

1                         UNITED STATES DISTRICT COURT  
2                         FOR THE NORTHERN DISTRICT OF OHIO  
3                         EASTERN DIVISION

4                         IN RE: NATIONAL                       )  
5                         PRESCRIPTION                       ) MDL No. 2804  
6                         OPIATE LITIGATION               )  
7                         \_\_\_\_\_  
8                         ) Case No.  
9                         ) 1:17-MD-2804  
10                        )  
11                        )  
12                        THIS DOCUMENT RELATES ) Hon. Dan A.  
13                        TO ALL CASES                       ) Polster

14                        FRIDAY, JANUARY 4, 2019

15                        9  
16                        HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
17                        CONFIDENTIALITY REVIEW  
18                        - - -

19                        12                        Videotaped deposition of Ramona  
20                        13                        Sullins, held at the offices of JONES DAY, 77  
21                        14                        West Wacker Drive, Chicago, Illinois,  
22                        15                        commencing at 7:31 a.m., on the above date,  
23                        16                        before Carrie A. Campbell, Registered  
24                        17                        Diplomate Reporter, Certified Realtime  
25                        18                        Reporter, Illinois, California & Texas  
                                19                        Certified Shorthand Reporter, Missouri &  
                                20                        Kansas Certified Court Reporter.

21                        - - -

22                        22                        GOLKOW LITIGATION SERVICES  
23                        23                        877.370.3377 ph | 917.591.5672 fax  
24                        24                        deps@golkow.com  
25

Page 2			Page 4		
A P P E A R A N C E S :			INDEX		
CARELLA, BYRNE, CECCHI, OSTEIN, BRODY & AGNELLO, P.C. BY: ZACHARY S. BOWER zbower@carellabyrne.com DAVID GILFILLAN dgilfillan@carellabyrne.com MICHAEL INNIS (VIA TELECONFERENCE) 5 Becker Farm Road Roseland, New Jersey 07068 (973) 994-1700 Counsel for Plaintiffs			PAGE		
WILLIAMS & CONNOLLY LLP BY: JOSEPH BUSHUR jbushur@wc.com (VIA TELECONFERENCE) 725 Twelfth Street, N.W. Washington, DC 20005 (202) 434-5331 Counsel for Cardinal Health, Inc.			APPEARANCES..... 2		
TABET DIVITO ROTHSTEIN BY: KYLE A. COOPER kcooper@tdrlawfirm.com 209 South LaSalle Street, 7th Floor Chicago, Illinois 60604 (312) 762-9495 Counsel for McKesson Corporation			EXAMINATIONS..... 9		
JONES DAY BY: TARA FUMERTON tfumerton@jonesday.com JOANNE CACERES jcaceres@jonesday.com 77 West Wacker Chicago, Illinois 60601-1692 (312) 782-3939 Counsel for Walmart			BY MR. BOWER.....		
MARCUS & SHAPIRA LLP BY: DARLENE M. NOWAK nowak@Marcus-Shapira.com (VIA TELECONFERENCE) 301 Grant Street, 35th Floor Pittsburgh, Pennsylvania 15219-6401 (412) 338-4690 Counsel for HBC			EXHIBITS		
ARNOLD & PORTER BY: SETH WIENER Seth.Wiener@arnoldporter.com (VIA TELECONFERENCE) 601 Massachusetts Avenue, NW Washington, DC 20001-3743 (202) 942-5000 Counsel for Endo Pharmaceuticals Inc., and Endo Health Solutions Inc.			No. Description Page		
JACKSON KELLY PLLC BY: SYLVIA WINSTON NICHOLS sylvia.winston@jacksonkelly.com (VIA TELECONFERENCE) 150 Clay Street, Suite 500 Morgantown, West Virginia 26501 (304) 284-4138 Counsel for AmerisourceBergen			Walmart E-mail(s), 75		
ALSO PRESENT: WALMART LEGAL BY: PAUL D. MORRIS Paul.Morris@walmartlegal.com 702 Southwest 8th Street, M.S. #0215 Bentonville, Arkansas 72716-0215 (479) 204-9118 In-house Counsel for Walmart			Sullins 1 WMT MDL 000009183 - WMT MDL_000009185		
VIDEOGRAPHER: Stephan Hoog, Golkow Litigation Services			Sullins 2 WMT MDL 000009319 - WMT MDL_000009320		
			Sullins 3 WMT MDL 000009321 - WMT MDL_000009323		
			Sullins 4 WMT MDL 000049760 - WMT MDL_000049761		
			Sullins 5 WMT MDL_000010215		
			Sullins 6 WMT MDL 000017581 - WMT MDL_000017582		
			Sullins 7 WMT MDL 000009834 - WMT MDL_000009837		
			Sullins 8 WMT MDL 000009224 - WMT MDL_000009232		
			Sullins 9 WMT MDL 000010287 - WMT MDL_000010288		
			Sullins 10 WMT MDL 000017502 - WMT MDL_000017503		
			Sullins 11 WMT MDL_000047871		
			Sullins 12 WMT MDL 000016232 - WMT MDL_000016234		
			Sullins 13 WMT MDL 000047753 - WMT MDL_000047788		
			Sullins 14 WMT MDL_000009267		
			Sullins 15 WMT MDL 000016554 - WMT MDL_000016558		
			Sullins 16 WMT MDL 000011626 - WMT MDL_000011629		
			Sullins 17 WMT MDL_000003683		
			Sullins 18 WMT MDL 000022799 - WMT MDL_000022805		
			Sullins 19 WMT MDL 000028014 - WMT MDL_000028015		
			Sullins 20 WMT MDL 000009161 - WMT MDL_000009162		
			Sullins 21 WMT MDL 000017458 - WMT MDL_000017459		

Page 6	Page 8
<p>1 Walmart E-mail(s), 2 Sullins 22 WMT_MDL_000017434 - 3 Walmart E-mail(s), 4 Sullins 23 WMT_MDL_000002717 5 Walmart E-mail(s), 6 Sullins 24 WMT_MDL_000007345 7 (Exhibits attached to the deposition.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 MR. MORRIS: Paul Morris from 2 Walmart legal department. 3 MS. CACERES: Joanne Caceres 4 from Jones Day on behalf of Walmart. 5 MS. FUMERTON: Tara Fumerton 6 from Jones Day on behalf of Walmart 7 and the witness. 8 VIDEOGRAPHER: The folks on the 9 phone? 10 MR. BUSHUR: Joseph Bushur of 11 Williams &amp; Connolly on behalf of 12 Cardinal Health. 13 MS. NOWAK: Darlene Nowak, 14 Marcus &amp; Shapira, on behalf of HBC 15 Services. 16 MR. WIENER: Seth Wiener of 17 Arnold &amp; Porter Kay Scholer on behalf 18 of Endo Health Solutions, Inc., Endo 19 Pharmaceuticals, Inc., Par 20 Pharmaceutical, Inc., and Par 21 Pharmaceutical Companies, Inc. 22 VIDEOGRAPHER: The court 23 reporter today is Carrie Campbell. 24 Can you please swear in the 25 witness?</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 10</p> <p>1 questions and allow your attorney a chance to      2 object to any question before you answer.      3       Okay?      4       A. Okay.      5       Q. And also, I'd ask that if you      6 don't understand any question today, you ask      7 me to rephrase the question or let me know      8 that you don't understand before answering.      9       Do you understand that?      10      A. I do understand that.      11      Q. Okay. So if you do answer a      12 question, I will assume that you did      13 understand the question.      14      Okay?      15      A. Okay.      16      Q. And also, please, if the answer      17 calls for a yes or no, provide the answer      18 verbally without shaking your head or nodding      19 your head so the court reporter can take down      20 your answer.      21      Okay?      22      A. Okay.      23      Q. Is there any reason that you      24 cannot testify truthfully today?      25      A. No.</p>	<p style="text-align: right;">Page 12</p> <p>1       A. I met with our counsel.      2       Q. Okay. When was the first time      3 you met with your counsel?      4       A. It was back in November when      5 the original deposition was scheduled.      6       Q. Okay. And when did that      7 meeting take place? Do you recall      8 approximately -- strike that.      9       A. Before -- before Thanksgiving.      10      Q. And your deposition in this      11 case was rescheduled, correct?      12      A. Correct.      13      Q. Okay. Do you recall      14 approximately how long before that initial      15 deposition was scheduled you first met with      16 counsel?      17      A. The one time I met with counsel      18 was in November.      19      Q. November.      20      About how many days before the      21 initial deposition was scheduled did that      22 meeting take place?      23      A. I don't recall. It might have      24 been a week.      25      Q. Okay. And approximately how</p>
<p style="text-align: right;">Page 11</p> <p>1       Q. Are you taking any medication      2 that would prevent you from testifying      3 truthfully today?      4       A. No.      5       Q. Have you ever provided any      6 statements under oath on behalf of Walmart?      7       A. No.      8       Q. Never provided a declaration or      9 anything like that?      10      A. No.      11      Q. When did you first learn you      12 would be giving a deposition in this case?      13      A. I don't recall the actual date.      14      Q. Do you recall the approximate      15 date?      16      A. No. Whenever I got the -- the      17 notice in the e-mail.      18      Q. You got an e-mail from someone      19 at Walmart?      20      A. Yes.      21      Q. Okay. Who sent you that      22 e-mail?      23      A. I believe it was Carl.      24      Q. Okay. And how did you prepare      25 for today's deposition?</p>	<p style="text-align: right;">Page 13</p> <p>1 long was that meeting?      2       A. About four hours.      3       Q. Had you scheduled an additional      4 meeting with counsel to prepare for that      5 initial deposition date?      6       MS. FUMERTON: Objection.      7       Form.      8       THE WITNESS: There was a      9 meeting scheduled for the deposition.      10      QUESTIONS BY MR. BOWER:      11      Q. What about anything else prior      12 to the deposition?      13      Was there a meeting that you      14 all had planned to have prior to the      15 deposition?      16      A. No, just the prep.      17      Q. When was that prep to occur?      18      A. The four hours.      19      Q. So that prep had already      20 occurred; is that correct?      21      A. That's correct.      22      Q. Okay. So you had not planned      23 to meet with your counsel the day before that      24 deposition; is that correct?      25      A. I believe there was. I don't</p>

<p style="text-align: right;">Page 14</p> <p>1 recall.</p> <p>2 Q. You believe there was a meeting</p> <p>3 scheduled, but you're not sure?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Since that initial</p> <p>6 four-hour meeting, have you done anything</p> <p>7 else to prepare for today's deposition?</p> <p>8 A. Just met with them yesterday.</p> <p>9 Q. Okay. And how long was that</p> <p>10 meeting?</p> <p>11 A. Approximately seven, eight</p> <p>12 hours.</p> <p>13 Q. And who did you meet with?</p> <p>14 A. Tara.</p> <p>15 Q. Anyone else?</p> <p>16 A. Joanne was there. Paul was</p> <p>17 there.</p> <p>18 Q. Anyone else?</p> <p>19 A. I don't know her name. I think</p> <p>20 her name's Tina.</p> <p>21 Q. Do you remember whether they</p> <p>22 were counsel for Walmart or outside counsel?</p> <p>23 A. They were part of Jones Day.</p> <p>24 Q. Jones Day.</p> <p>25 Was there anyone on the phone?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Did you review documents during</p> <p>2 that meeting?</p> <p>3 A. We did.</p> <p>4 Q. Did you review documents that</p> <p>5 refreshed your recollection for the testimony</p> <p>6 you will provide today?</p> <p>7 A. No.</p> <p>8 Q. What was the purpose of</p> <p>9 reviewing documents?</p> <p>10 MS. FUMERTON: Objection to the</p> <p>11 extent that she has -- her</p> <p>12 understanding from reviewing documents</p> <p>13 is based on communications with</p> <p>14 counsel, so I'll instruct her not to</p> <p>15 answer that question unless she can</p> <p>16 answer it without revealing</p> <p>17 attorney-client communications.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Can you answer the question?</p> <p>20 A. No.</p> <p>21 Q. Okay. Have you ever been asked</p> <p>22 to provide counsel with documents for this</p> <p>23 case?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Has anyone asked you whether</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I don't know anybody that</p> <p>2 chimed in.</p> <p>3 Q. Was there a phone call open?</p> <p>4 A. There was.</p> <p>5 Q. Okay. Do you know who was on,</p> <p>6 listening in to that phone?</p> <p>7 A. No, I don't.</p> <p>8 Q. Do you know why there was a</p> <p>9 phone open?</p> <p>10 MS. FUMERTON: Objection to the</p> <p>11 extent that you're starting to get</p> <p>12 into conversations with counsel. But</p> <p>13 to the extent she can answer</p> <p>14 otherwise, that's fine.</p> <p>15 THE WITNESS: To -- it was our</p> <p>16 counsel, Walmart.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. There was in-house counsel from</p> <p>19 Walmart on the phone?</p> <p>20 A. Yes.</p> <p>21 Q. That's your understanding?</p> <p>22 A. That was my understanding.</p> <p>23 Q. Okay. That meeting took place</p> <p>24 in Chicago?</p> <p>25 A. Yes. It happened yesterday.</p>	<p style="text-align: right;">Page 17</p> <p>1 you have documents that might be relevant to</p> <p>2 this case?</p> <p>3 MS. FUMERTON: Again, I object</p> <p>4 to the question to the extent that</p> <p>5 you're asking her about questions --</p> <p>6 communications with counsel, and I'm</p> <p>7 going to instruct her not to answer</p> <p>8 that question.</p> <p>9 MR. BOWER: Well, that</p> <p>10 question -- that question she can</p> <p>11 answer. It's a yes or no question.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. The question is this: Have you</p> <p>14 been asked to provide documents that may be</p> <p>15 responsive to this case?</p> <p>16 MS. FUMERTON: Well, you're</p> <p>17 asking may be responsive to this case.</p> <p>18 You're not getting to the</p> <p>19 communications with counsel.</p> <p>20 You should have asked, which I</p> <p>21 think you already did, "Have you been</p> <p>22 asked to produced documents in</p> <p>23 connection with the case?" That's a</p> <p>24 yes or no question, which she can</p> <p>25 answer.</p>

<p>1           THE WITNESS: No.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3       Q. Have you ever spoken with</p> <p>4 anyone at Walmart about this case?</p> <p>5       A. No.</p> <p>6       MS. FUMERTON: Again, just give</p> <p>7 me a second to object.</p> <p>8       To the extent it's outside of</p> <p>9 communications with counsel in</p> <p>10 preparation for the deposition.</p> <p>11      THE WITNESS: No.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13     Q. Okay. Are you aware of whether</p> <p>14 other Walmart employees have given testimony</p> <p>15 in this case?</p> <p>16     A. Can you repeat the question?</p> <p>17     MR. BOWER: Can you just read</p> <p>18 it?</p> <p>19       (Court Reporter read back</p> <p>20 question.)</p> <p>21     MS. FUMERTON: And again, I'm</p> <p>22 going to object to the question to the</p> <p>23 extent that you're asking about any</p> <p>24 communications with counsel.</p> <p>25       But to the extent that she has</p>	<p>Page 18</p> <p>1           To the extent that she's, for</p> <p>2 example, talked to other folks at</p> <p>3 Walmart about whether or not they've</p> <p>4 given deposition testimony, I think</p> <p>5 that's fair game, but I do not agree</p> <p>6 with you that you can ask her</p> <p>7 questions about communications with</p> <p>8 counsel.</p> <p>9       Just because it's a yes or no</p> <p>10 question does not mean that it does</p> <p>11 not invade privilege.</p> <p>12       But to the extent you can</p> <p>13 answer the question outside of</p> <p>14 communications with counsel, please go</p> <p>15 ahead.</p> <p>16      THE WITNESS: No.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18     Q. Well, I'll ask it more</p> <p>19 directly. Did counsel tell you who's been</p> <p>20 deposed in this case?</p> <p>21     MS. FUMERTON: Again, I</p> <p>22 instruct you not to answer that</p> <p>23 question on the basis of</p> <p>24 attorney-client privilege.</p>
<p>1 knowledge outside of those</p> <p>2 communications, she can answer the</p> <p>3 question.</p> <p>4       THE WITNESS: No.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6     Q. Is your answer affected by</p> <p>7 communications with counsel and your</p> <p>8 counsel's instructions not to answer</p> <p>9 concerning those communications?</p> <p>10     MR. BOWER: It's a yes or no</p> <p>11 question. She's allowed to answer</p> <p>12 whether she had knowledge of other</p> <p>13 folks giving testimony. That's not a</p> <p>14 privileged correspondence. There's no</p> <p>15 legal advice being provided.</p> <p>16       So I'll ask it again.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18     Q. Are you aware of whether other</p> <p>19 Walmart employees have provided testimony in</p> <p>20 this case?</p> <p>21     MS. FUMERTON: I disagree with</p> <p>22 your assertion of the law. I object</p> <p>23 to the question to the extent that it</p> <p>24 would invade communications with</p> <p>25 counsel.</p>	<p>Page 19</p> <p>1           QUESTIONS BY MR. BOWER:</p> <p>2     Q. Are you going to follow those</p> <p>3 instructions and not answer the question?</p> <p>4     A. I'm going to follow the</p> <p>5 instructions.</p> <p>6     Q. Do you know whether the</p> <p>7 documents you reviewed in preparation for</p> <p>8 your deposition were produced in this case?</p> <p>9     MS. FUMERTON: I -- to the</p> <p>10 extent that you're asking about</p> <p>11 specific documents that she reviewed</p> <p>12 with counsel, I think it's</p> <p>13 inappropriate for you to ask her to</p> <p>14 identify those documents.</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16     Q. I'm not asking -- just to be</p> <p>17 clear, I'm not asking her to identify</p> <p>18 document. I'm just asking whether you know</p> <p>19 the documents that you acknowledge you</p> <p>20 reviewed were produced to plaintiffs in this</p> <p>21 case.</p> <p>22     A. I have no idea.</p> <p>23     Q. What is Jabber?</p> <p>24     A. That's an in-house</p> <p>25 communication.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. And how often would you use it?      2 A. Ten times daily? I don't -- I      3 can't quantify that.      4 Q. When did you -- when would it      5 start -- strike that.      6 Do you recall when      7 approximately you started using Jabber to      8 communicate with other Walmart employees?      9 A. No.      10 Q. Has it been available for      11 communications your entire time at Walmart?      12 A. No.      13 Q. When did it start becoming      14 available?      15 A. I don't recall.      16 Q. Do you recall approximately      17 when?      18 A. No, I don't recall      19 approximately when.      20 Q. Do you recall the year?      21 A. No.      22 Q. Why would you communicate via      23 Jabber versus e-mail?      24 A. If it was a quick question      25 about work.</p>	<p style="text-align: right;">Page 24</p> <p>1 don't know.      2 Q. Well, I'm just trying to      3 understand what you -- what your answer is.      4 Is it that you're not aware of      5 any, you don't believe it happened, or that      6 you simply don't recall?      7 A. I simply don't recall.      8 Q. Is it possible it could have      9 happened?      10 A. I can't recall.      11 Q. Well, you testified a few      12 minutes ago that you believe you used it      13 daily, correct?      14 A. Correct.      15 Q. So why is it that you believe      16 you may not have used it to communicate      17 regarding Walmart's SOM program?      18 A. Because the -- I mean,      19 that's -- I don't know if I used it for that.      20 I mean, I used it for something other than      21 that. I know I used it for questions about      22 the operation, operational questions.      23 Q. Would those include questions      24 about the operation of the Walmart SOM      25 program?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. It was quicker than e-mail,      2 correct?      3 A. Yes.      4 Q. More convenient, correct?      5 A. Yes.      6 Q. Okay. Are you aware of any      7 Walmart policies and procedures regarding      8 preserving communications on Jabber?      9 A. No, I'm not aware of any.      10 Q. What is your understanding as      11 to whether those communications are preserved      12 or maintained?      13 MS. FUMERTON: Objection to      14 form.      15 THE WITNESS: I have no idea.      16 QUESTIONS BY MR. BOWER:      17 Q. Do you know whether they're      18 deleted immediately?      19 A. I don't know.      20 Q. Have you spoken -- strike that.      21 Have you used Jabber to      22 communicate regarding Walmart's SOM program?      23 A. Not that I'm aware of.      24 Q. Never?      25 A. I can't recollect that. I</p>	<p style="text-align: right;">Page 25</p> <p>1 MS. FUMERTON: Objection to      2 form.      3 THE WITNESS: I don't recall.      4 QUESTIONS BY MR. BOWER:      5 Q. It could have happened; you      6 just don't recall. Is that correct?      7 A. I don't recall.      8 Q. When you say -- I just want the      9 record to be clear. When you say you don't      10 recall, are you saying you don't recall it      11 ever happening, or are you saying I don't      12 recall whether it happened or not?      13 MS. FUMERTON: Objection to      14 form.      15 THE WITNESS: I don't recall      16 whether it happened or not.      17 QUESTIONS BY MR. BOWER:      18 Q. Okay. What would you use      19 Jabber to communicate about on a daily basis?      20 MS. FUMERTON: Objection.      21 Form.      22 THE WITNESS: Questions about      23 the operation or, hey, can you attend      24 this meeting, I'm on another call,      25 stuff like that.</p>

<p style="text-align: right;">Page 26</p> <p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Anything else that you can 3 recall today?</p> <p>4 A. No.</p> <p>5 Q. Who would you communicate -- 6 strike that.</p> <p>7 With who would you communicate 8 on Jabber?</p> <p>9 A. Multiple people in Walmart.</p> <p>10 Q. Okay. Can you provide us the 11 names of those folks?</p> <p>12 MS. FUMERTON: Objection. 13 Form.</p> <p>14 THE WITNESS: Some were team 15 members. Some were in replenishment. 16 Different -- just different groups 17 that I would communicate with.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Do you recall their names as 20 you sit here today?</p> <p>21 A. Yeah. Theresa Alford, Shawn 22 Robinson. Then there was Flynn. I don't 23 recall his last name. He was in ISD. I 24 mean, there was -- there was quite a bit of 25 people that I would communicate.</p>	<p style="text-align: right;">Page 28</p> <p>1 was available when she was there.</p> <p>2 Q. When was she there?</p> <p>3 A. I don't recall the actual time.</p> <p>4 I don't recall when she left.</p> <p>5 Q. Okay. So you don't recall when 6 she was there, and you also don't recall when 7 Jabber was available, but your testimony 8 today is that you don't believe she was 9 available when Jabber was also available; is 10 that correct?</p> <p>11 MS. FUMERTON: Objection. 12 Form.</p> <p>13 THE WITNESS: No, what I'm 14 saying is I don't know when she was 15 there, what time frame she was there, 16 and I don't know if Jabber existed.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. When did you first begin 19 working at Walmart?</p> <p>20 A. 1988.</p> <p>21 Q. Can you briefly describe for us 22 your educational background after high 23 school?</p> <p>24 A. I took a couple of non-credited 25 courses.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Other than Theresa, Shawn and 2 Flynn, anyone that you can recall as you sit 3 here today?</p> <p>4 A. Jonathan Leonard. I can't 5 think of all of them.</p> <p>6 Q. Kristy Spruell?</p> <p>7 A. She's not there. I don't know 8 if Jabber was available when she was there.</p> <p>9 Q. Jimmie Sherl?</p> <p>10 A. Again, he's no longer with the 11 company, and I don't know if he was there 12 when Jabber was -- existed.</p> <p>13 Q. Well, I thought you testified 14 before you weren't sure of when Jabber 15 existed, so does -- are you now recalling 16 when it was available?</p> <p>17 A. No.</p> <p>18 MS. FUMERTON: Objection. 19 Objection. Form.</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21 Q. All right. So just -- when you 22 say you don't believe that it was available 23 when, for example, Ms. Spruell was there, 24 what do you mean by that?</p> <p>25 A. I don't -- I don't know if it</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. When did you graduate high 2 school?</p> <p>3 A. 1987.</p> <p>4 Q. So you went to work for Walmart 5 after graduating high school; is that 6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. What was your first job at 9 Walmart?</p> <p>10 A. I was an order filler.</p> <p>11 Q. And where was -- where were you 12 located at that time?</p> <p>13 A. Plainview, Texas.</p> <p>14 Q. And how long did you -- strike 15 that.</p> <p>16 What was your next job at 17 Walmart after an order filler?</p> <p>18 A. I loaded trailers.</p> <p>19 Q. What do you mean by "loaded 20 trailers"?</p> <p>21 A. I physically loaded 22 televisions, dog food, paint, into a trailer, 23 floor-loaded it.</p> <p>24 Q. Was that at a Walmart 25 distribution center?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. Which distribution center was</p> <p>3 that?</p> <p>4 A. 6012.</p> <p>5 Q. And where is that distribution</p> <p>6 center located?</p> <p>7 A. Plainview, Texas.</p> <p>8 Q. And just briefly can you</p> <p>9 describe what you did as an order filler?</p> <p>10 A. I filled orders for the store.</p> <p>11 Q. What do you mean by you "filled</p> <p>12 orders for the store"?</p> <p>13 Can you describe that with more</p> <p>14 specificity?</p> <p>15 A. So I filled like makeup, yarn,</p> <p>16 tools; placed those in a box and shipped</p> <p>17 them.</p> <p>18 Q. Were those online orders?</p> <p>19 A. No.</p> <p>20 Q. Where were the orders coming</p> <p>21 from?</p> <p>22 A. The stores that were aligned to</p> <p>23 that distribution center.</p> <p>24 Q. Okay. So you're also -- the</p> <p>25 role you described of filling orders was also</p>	<p style="text-align: right;">Page 32</p> <p>1 products or areas of the business you were</p> <p>2 responsible for?</p> <p>3 A. Not -- not at that time.</p> <p>4 Q. Was this at the same DC?</p> <p>5 A. Yes.</p> <p>6 Q. Who did you report to at this</p> <p>7 time?</p> <p>8 A. I don't recall.</p> <p>9 Q. And you held that role for</p> <p>10 approximately two years, until approximately</p> <p>11 1992?</p> <p>12 A. Yes.</p> <p>13 Q. What was your next role at</p> <p>14 Walmart?</p> <p>15 A. I was a supervisor.</p> <p>16 Q. What did you supervise?</p> <p>17 A. The associates in the order</p> <p>18 filling area.</p> <p>19 Q. How long did you hold that</p> <p>20 role?</p> <p>21 A. Until approximately 1995.</p> <p>22 Q. And then what role did you take</p> <p>23 on in 1995?</p> <p>24 A. I was a manager trainee.</p> <p>25 Q. And what does that mean?</p>
<p style="text-align: right;">Page 31</p> <p>1 at the distribution center; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. And then what was the</p> <p>4 next position you held at Walmart?</p> <p>5 A. I went into quality assurance.</p> <p>6 Q. Okay. And approximately what</p> <p>7 time period was that?</p> <p>8 A. 1990.</p> <p>9 Q. And where were you located at</p> <p>10 that time?</p> <p>11 A. Plainview, Texas.</p> <p>12 Q. And how long did you hold that</p> <p>13 role in quality assurance?</p> <p>14 A. I don't recall how long I held</p> <p>15 the role.</p> <p>16 Q. Approximately how long?</p> <p>17 A. Maybe two years.</p> <p>18 Q. And just generally speaking,</p> <p>19 what were your duties and responsibilities in</p> <p>20 quality assurance?</p> <p>21 A. Inventory control, cycling the</p> <p>22 inventory, problem solving with freight that</p> <p>23 didn't have a home. Mostly just inventory</p> <p>24 related.</p> <p>25 Q. And were there any specific</p>	<p style="text-align: right;">Page 33</p> <p>1 A. I was in the processes of</p> <p>2 learning how to run a department.</p> <p>3 Q. Does Walmart have specific</p> <p>4 training for its prospective managers?</p> <p>5 A. It did at that time.</p> <p>6 Q. And you were chosen to</p> <p>7 participate in that training, correct?</p> <p>8 A. Correct.</p> <p>9 Q. That was in 1995,</p> <p>10 approximately?</p> <p>11 A. Approximately.</p> <p>12 Q. And where did that training</p> <p>13 take place?</p> <p>14 A. Palestine, Texas.</p> <p>15 Q. And what type of training</p> <p>16 occurred?</p> <p>17 A. Leadership training.</p> <p>18 Q. Anything else?</p> <p>19 A. Manpower, forecasting,</p> <p>20 administrative.</p> <p>21 Q. What do you mean when you</p> <p>22 say -- strike that.</p> <p>23 Can you describe what</p> <p>24 leadership training is?</p> <p>25 A. So it would have been like how</p>

<p style="text-align: right;">Page 34</p> <p>1 do you handle, you know, your interviewing      2 skills; how do you, you know, write different      3 disciplinary things. I'm trying to think      4 what else was in there.</p> <p>5 Q. And I realize this is going      6 back a ways. I'm just trying to get a      7 general sense of what you were --</p> <p>8 A. That was --</p> <p>9 Q. That's fine.</p> <p>10 And then do you have any      11 recollection with respect to what kind of the      12 other areas were, the manpower, forecasting,      13 administrative, what just generally those      14 involved?</p> <p>15 A. Just knowing how to read the --      16 the associates' attendance, how to forecast,      17 you know, based on the volume coming in, how      18 many people do you need, how long is it going      19 to take to do the work. That was the      20 manpower forecasting.</p> <p>21 Q. And how long did the training      22 last?</p> <p>23 A. I believe it was -- I want to      24 say six weeks. I don't recall how long the      25 training was.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. So until approximately 1996 at      2 some point you switched again?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. What was your next role?</p> <p>5 A. I was a QA manager. QA,      6 quality assurance.</p> <p>7 Q. Can you just describe for us      8 very briefly what that means?</p> <p>9 A. So it's the inventory, so on      10 the -- you would have responsibility for all      11 the inventory and the associates that      12 reported up through that process.</p> <p>13 Q. How long did you have that      14 role, approximately?</p> <p>15 A. Maybe about six or seven      16 months.</p> <p>17 Q. And then you switched again; is      18 that correct?</p> <p>19 A. I moved.</p> <p>20 Q. Oh, you moved where you lived;      21 is that --</p> <p>22 A. Yes.</p> <p>23 Q. And where did you move?</p> <p>24 A. To Loveland, Colorado.</p> <p>25 Q. Did you continue to work for</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Okay. And then after you      2 received this training, did you take a      3 different position at Walmart?</p> <p>4 A. Then I had an area to run.</p> <p>5 Q. Okay. And what area was that?</p> <p>6 A. The marking room.</p> <p>7 Q. Can you describe what the      8 marking room is?</p> <p>9 A. So it was when goods came in to      10 Walmart, they weren't ticketed, so we would      11 ticket those -- that merchandise, and the      12 majority of it was apparel and shoes.</p> <p>13 Q. And what do you mean by      14 "ticketed"?</p> <p>15 A. Showed the price tags on them.</p> <p>16 Q. Was this position also at the      17 DC?</p> <p>18 A. Yes.</p> <p>19 Q. And these were products that      20 were sold to Walmart by manufacturers or      21 suppliers?</p> <p>22 A. Yes.</p> <p>23 Q. And how long did you have that      24 role?</p> <p>25 A. Maybe a year.</p>	<p style="text-align: right;">Page 37</p> <p>1 Walmart in Loveland, Colorado?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. What did you do there?</p> <p>4 A. I'm sorry?</p> <p>5 Q. What did you do in Loveland?</p> <p>6 I'm sorry.</p> <p>7 A. So I was an area manager as      8 well.</p> <p>9 Q. And how long did you have that      10 role in Loveland, approximately?</p> <p>11 A. I lived in -- so I got there in      12 May of '96, and I left in April of '97.</p> <p>13 Q. You left Loveland in April      14 of '97; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. And where did you go at      17 that point?</p> <p>18 A. I went to Hope Mills, North      19 Carolina.</p> <p>20 Q. Was that move a result of a      21 change in Walmart jobs?</p> <p>22 A. No. It was distribution as      23 well.</p> <p>24 Q. Okay. That move was for      25 personal reasons not related to your</p>

<p style="text-align: right;">Page 38</p> <p>1 employment at Walmart; is that correct?      2 A. That's correct.      3 Q. So now you're in North      4 Carolina, still working for Walmart on the      5 distribution side, correct?      6 A. Correct.      7 Q. Was that also a distribution      8 center in North Carolina?      9 A. Yes.      10 Q. And are you still a manager, an      11 area manager, there?      12 A. Yes.      13 Q. Okay. And what was the next      14 role you had at Walmart?      15 A. So then I transferred back to      16 Plainview, Texas, in October of '97, and I      17 had an area manager position there as well.      18 Q. And then how long did you hold      19 that position back in Texas?      20 A. Until 2004.      21 Q. And what change occurred in      22 2004?      23 A. I moved to Bentonville,      24 Arkansas.      25 Q. And then what position did</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I worked with -- I was a      2 liaison between merchandising and logistics.      3 Q. And what sort of things would      4 you do on a day-to-day basis?      5 A. I would meet with the buyers to      6 find out when they were flowing product into      7 the distribution centers and determine when      8 those were going to hit. Because with      9 apparel it's seasonal, so there was four      10 seasons that you had to flow through; so you      11 have, you know, the winter season, you -- it      12 was a certain specific time frame. If there      13 was inventory left in the distribution      14 center, that you partnered with them to try      15 to flow that into the stores.      16 Q. During this time period, was      17 there a database or any other electronic      18 system that Walmart used to manage its      19 inventory?      20 MS. FUMERTON: Objection.      21 Form.  <b>22 QUESTIONS BY MR. BOWER:</b>      23 Q. I'll strike that.      24 How did Walmart manage its      25 inventory in 2004?</p>
<p style="text-align: right;">Page 39</p> <p>1 you -- strike that.      2 Did you change positions at      3 that point?      4 A. I did.      5 Q. Okay. And what was your new      6 position?      7 A. I worked in merchandise      8 support.      9 Q. Is that at a DC in Bentonville?      10 A. No, that was in the home      11 office. That was in the logistics building.      12 Q. And can you just describe      13 generally what your duties and      14 responsibilities were for that role in      15 merchandise support?      16 A. So I had responsibility for all      17 of the apparel and shoes and the flow of      18 those -- that product from supplier to      19 distribution center.      20 Q. And is that for all of the      21 Walmarts in the world?      22 A. In all the US apparel DCs.      23 Q. So you were responsible for      24 getting the apparel to the DCs; is that      25 correct?</p>	<p style="text-align: right;">Page 41</p> <p>1 MS. FUMERTON: Objection.      2 Form.  <b>3 THE WITNESS:</b> So it was through      4 their host mainframe system.  <b>5 QUESTIONS BY MR. BOWER:</b>      6 Q. So did you say host mainframe      7 or closed mainframe?      8 A. Host.      9 Q. Does that system go by any      10 other name?      11 A. I -- I don't -- I don't know.      12 Q. Did you receive at that point      13 any -- or strike that.      14 At any point did you receive      15 specific training with respect to merchandise      16 inventory management?      17 A. I did.      18 Q. Okay. When was that?      19 A. When I came in 2004.      20 Q. Did that training occur in      21 Bentonville?      22 A. Yes.      23 Q. And how long did you hold that      24 position?      25 A. Till 2008.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. And then what was the change in 2 2008? 3 A. I moved over to the pharmacy. 4 Q. And what was your title in 5 2008? 6 A. I was senior manager on the 7 pharmacy team. 8 Q. Was that your title in 2008, 9 senior manager in the pharmacy team? 10 A. I don't know what it said. 11 Q. What were your duties and 12 responsibilities in connection with that 13 role? 14 A. So I had responsibility to 15 bring in a system because they were filling 16 orders with pen and paper, and just 17 day-to-day operational questions that would 18 come up. 19 Q. Were you assigned -- strike 20 that. 21 Was that position at the home 22 office? 23 A. Yes, but it was still under 24 logistics. 25 Q. What do you mean by that, by</p>	<p style="text-align: right;">Page 44</p> <p>1 A. That's correct. 2 Q. And the purpose of that travel 3 was to learn about the ordering and the 4 filling of those orders for pharmacy 5 products; is that correct? 6 MS. FUMERTON: Objection. 7 Form. 8 QUESTIONS BY MR. BOWER: 9 Q. Well, strike that. 10 What was the purpose of your 11 visits to the distribution centers? 12 A. To learn how they were filling 13 orders, how we could take their process and 14 make it into a -- to bring in a system that 15 could help with that process. 16 Q. And at that point how many 17 distribution centers were filling orders for 18 pharmacies? 19 A. Six. 20 Q. And at that time, how many 21 distribution centers were filling orders for 22 prescription II products? Strike that. 23 At that time, how many 24 distribution centers were filling orders for 25 Schedule II products?</p>
<p style="text-align: right;">Page 43</p> <p>1 the statement that it was still under 2 logistics? 3 A. It is under the division of 4 logistics. 5 Q. Was that division at the home 6 office? 7 A. Yes. 8 Q. When you say that you were -- 9 one of your duties was to bring in a system 10 because they were currently filling orders 11 with pen and paper, what do you mean by that? 12 A. So they would get a document 13 for orders, and they would go fill those 14 store orders based on the paper document. 15 Q. So who would get the document? 16 A. So the distribution center 17 would, and they would pass those documents 18 out to the order fillers. 19 Q. At that point in 2008, had you 20 received any training specific to pharmacy? 21 A. I did. I went to the 22 distribution centers. 23 Q. So at some point in or about 24 2008 you traveled to the distribution 25 centers; is that correct?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. One distribution center. 2 Q. And what center is that? 3 A. 6045. 4 Q. And what about for Schedule III 5 products? 6 A. The other five distribution 7 centers. 8 Q. Do you recall at that time 9 which other distribution centers were 10 distributing hydrocodone? 11 A. That would have been the five 12 distribution centers. 13 Q. And this is around 2008, 14 correct? 15 A. That's correct. 16 Q. Okay. During this time period, 17 did you receive any training regarding 18 Walmart's obligations to monitor orders for 19 Schedule II products? 20 A. It was part of the training 21 that I sat through with -- at the 22 distribution center. I don't recall 23 specifically what was -- what we talked 24 about. 25 Q. Well, do you recall generally</p>

<p style="text-align: right;">Page 46</p> <p>1 what Walmart's obligations were at that time?      2 MS. FUMERTON: Objection.      3 Form.  <b>4 QUESTIONS BY MR. BOWER:</b>      5 Q. Strike that.      6 Do you recall generally what      7 Walmart's obligations were at that time      8 regarding monitoring of orders for      9 Schedule II narcotics?      10 A. No, I don't.      11 Q. At some point did you become      12 aware of Walmart's obligations to monitor      13 orders for Schedule II narcotics?      14 A. I did.      15 Q. And when did you become aware      16 of that?      17 A. I don't recall the year.      18 Q. Do you recall approximately      19 when?      20 A. No.      21 Q. Do you recall how you became      22 aware of Walmart's obligations to monitor      23 orders for Schedule II narcotics?      24 A. No. No, not -- no.      25 Q. So I just want to make sure</p>	<p style="text-align: right;">Page 48</p> <p><b>1 QUESTIONS BY MR. BOWER:</b>      2 Q. Sure.      3 Do you know whether Walmart, as      4 a distributor, has any obligations to monitor      5 orders placed by its pharmacies for      6 Schedule III narcotics?      7 MS. FUMERTON: Objection.      8 Form.      9 Can we get a time period?      10 MR. BOWER: At any point.      11 MS. FUMERTON: Okay.      12 MR. BOWER: Just a question.      13 MS. FUMERTON: It's a question      14 with a false premise, though. That's      15 the problem. You're talking about as      16 a distributor, and as you know,      17 Walmart no longer distributes      18 controlled substances.      19 MR. BOWER: Okay.</p> <p><b>20 QUESTIONS BY MR. BOWER:</b>      21 Q. Do you know whether Walmart --      22 MS. FUMERTON: You said      23 "Walmart, as a distributor." That's      24 why I'm asking, why the question is      25 flawed.</p>
<p style="text-align: right;">Page 47</p> <p>1 that the record is clear. So you don't      2 recall either how you became aware or when      3 you became aware of Walmart's obligations to      4 monitor orders of Schedule II narcotics; is      5 that correct?      6 MS. FUMERTON: Objection.      7 Form.      8 THE WITNESS: I don't recall.  <b>9 QUESTIONS BY MR. BOWER:</b>      10 Q. And what about Walmart's      11 obligations to monitor orders of Schedule III      12 narcotics, do you know whether they have any      13 such obligations?      14 MS. FUMERTON: Objection.      15 Form.  <b>16 QUESTIONS BY MR. BOWER:</b>      17 Q. I'll strike that.      18 Do you know whether Walmart has      19 any obligations to monitor orders of      20 Schedule III narcotics?      21 MS. FUMERTON: Objection.      22 Form.      23 THE WITNESS: Ask the question      24 again.      25</p>	<p style="text-align: right;">Page 49</p> <p>1 MR. BOWER: Okay. I'll      2 rephrase the question. I think you      3 understood it, but I'll rephrase.  <b>4 QUESTIONS BY MR. BOWER:</b>      5 Q. Do you know whether Walmart at      6 any point had any obligation to monitor      7 orders for Schedule II narcotics that were      8 placed by its pharmacy to its distribution      9 centers?      10 A. Yes.      11 Q. Okay. What is your      12 understanding of those obligations?      13 A. I don't have an understanding      14 of it. I know that there was policies or      15 procedures related to that. That wasn't part      16 of my responsibility.      17 Q. Has it ever been part of your      18 responsibility?      19 A. No. No.      20 Q. Have you ever had any role      21 since you started working at Walmart in      22 connection with Walmart's suspicious order      23 monitoring program?      24 MS. FUMERTON: Objection.      25 Form.</p>

<p style="text-align: right;">Page 50</p> <p>1        THE WITNESS: I was part of the      2        rollout of that system.      3   <b>QUESTIONS BY MR. BOWER:</b>      4        Q. And when did that occur?      5        A. I don't recall.      6        Q. Approximately?      7        A. The Reddwerks threshold, I      8        believe, was 2010, 2011.      9        Q. And we'll look at some      10      documents in a bit. Maybe that'll help you      11      refresh your recollection. I'm just trying      12      to get a general sense of when you say      13      "rollout of that system," are you referring      14      to the over 20 reports or something else?      15        A. No, that would have -- I don't      16      know if that was during the same time.      17        Q. Okay. So when you say "rollout      18      of that system," what system are you      19      referring to?      20        A. The thresholds.      21        Q. What do you mean by --      22        A. Order alert.      23        Q. What do you mean by thresholds?      24   <b>Order alerts?</b>      25        A. That's what the project was</p>	<p style="text-align: right;">Page 52</p> <p>1        would monitor orders?      2                  MS. FUMERTON: Objection.      3                  Form.      4   <b>QUESTIONS BY MR. BOWER:</b>      5        Q. And I'm just trying -- just so      6        the record is clear, I'm just trying to      7        understand your answer.      8        You said "the distribution      9        center did and the associates did." Are      10      those two different things in your mind?      11        A. They're all at the distribution      12      center.      13        Q. And what were the associates      14      doing prior to the rollout of Reddwerks?      15        A. So my understanding is that      16      they would -- they would let their manager      17      know if they saw an order that was out of the      18      ordinary.      19        Q. What do you mean by "out of the      20      ordinary"?      21        A. Like, for example, ReliOn      22      insulin, we had orders that would -- where      23      the pharmacy would think that they were      24      ordering ten vials of insulin, and they      25      actually ordered a hundred of them because</p>
<p style="text-align: right;">Page 51</p> <p>1        called.      2        Q. What project are you referring      3      to?      4        A. So the rollout of Reddwerks      5      order alert.      6        Q. And you believe that occurred      7      sometime in 2010; is that correct?      8        A. '10 or '11. I don't recall.      9        Q. Before that rollout occurred,      10      did Walmart have a monitoring program in      11      place?      12        A. Yes.      13        Q. And what was that program?      14        A. I believe it was a 405 report,      15      and they monitored orders as they came in.      16        Q. Okay. And what do you mean      17      by -- when you say "they monitored orders as      18      they came in," what does that mean?      19        A. So the distribution center did      20      and the associates did.      21        Q. Are the associates at the      22      distribution center?      23        A. Yes.      24        Q. Okay. Anyone other than the      25      associates at the distribution center that</p>	<p style="text-align: right;">Page 53</p> <p>1        they were in packs of ten. So those would be      2      examples of what they would bring to their      3      attention.      4        Q. And in fact, Walmart had an      5      automatic cut for those instant orders,      6      correct?      7                  MS. FUMERTON: Objection.      8                  Form.      9                  Go ahead.      10        THE WITNESS: For the what now?      11   <b>QUESTIONS BY MR. BOWER:</b>      12        Q. For those insulin orders that      13      you just -- the example that you just      14      provided, Walmart actually had an automatic      15      cut for those orders, didn't they?      16                  MS. FUMERTON: Objection.      17                  Form.      18        THE WITNESS: It was a manual      19      cut; it wasn't automatic.      20   <b>QUESTIONS BY MR. BOWER:</b>      21        Q. A manual cut that was      22      automatically applied to insulin orders,      23      correct?      24                  MS. FUMERTON: Objection.      25                  Form.</p>

Page 54	Page 56
<p>1        THE WITNESS: They would call      2        the store to inform them that they had      3        placed -- if they really wanted a      4        hundred because, I mean, the      5        refrigerator didn't hold a hundred.</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7        Q. Right.</p> <p>8        And that was specific to      9 insulin, correct?</p> <p>10      A. That's correct.</p> <p>11      Q. Okay. What about with respect      12 to Schedule II narcotics, what were the DCs      13 doing in 2008?</p> <p>14      MS. FUMERTON: Objection.</p> <p>15      Form.</p> <p>16      THE WITNESS: My understanding      17 is they would do the same thing with      18 that.</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20      Q. And where does that      21 understanding come from?</p> <p>22      A. Just from when I was training      23 in 2008, when I was out at the DCs training.</p> <p>24      Q. Okay. So what specifically did      25 you learn in connection with your training</p>	<p>1        A. Well, first they would print      2 the 222 form, sign those, and then that and      3 the paper order would be put together in a      4 packet, and the associates would fill orders      5 based on that paper order.</p> <p>6        Q. And was it the practice for the      7 orders to be filled and shipped the same day      8 they came in?</p> <p>9        A. Yes.</p> <p>10      Q. And approximately how many      11 orders came in to DC 6045 on a daily basis      12 during this time period?</p> <p>13      A. I don't recall how many orders      14 came in.</p> <p>15      Q. Would it have been in the      16 hundreds of orders? Could it have been in      17 the hundreds of orders per day?</p> <p>18      A. Well, they filled store      19 order -- store only got an order once a week      20 of C-IIs. So if you divide it up, however      21 many stores we had at the time, that's how      22 many orders they would -- processed, four      23 days a week.</p> <p>24      Q. That's fine.</p> <p>25      You said four days a week?</p>
<p>1        that the DCs were doing for Schedule II      2 narcotics?</p> <p>3        MS. FUMERTON: Objection.</p> <p>4        Form.</p> <p>5        THE WITNESS: So again, they      6 would look at that paper and let their      7 supervisor or manager know that this      8 appears to be out of the ordinary or      9 unusual.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11      Q. And at that point -- and we're      12 talking 2008, correct?</p> <p>13      A. Yes.</p> <p>14      Q. At that point, how was DC 6045      15 receiving orders? They were paper, correct?</p> <p>16      A. So those would come in      17 electronically. They're printed on paper.</p> <p>18      Q. They would come in      19 electronically once a day?</p> <p>20      A. That's correct.</p> <p>21      Q. And then they would print it on      22 paper at the DC?</p> <p>23      A. That's correct.</p> <p>24      Q. And then what would happen to      25 those papers?</p>	<p>1        A. Yes.</p> <p>2        Q. So, for example, if there were      3 4,000 stores, approximately a thousand orders      4 a day, correct?</p> <p>5        A. Potentially.</p> <p>6        Q. And just so the record's clear,      7 you mentioned a couple reports. I just want      8 to go through just what those reports are.</p> <p>9        What is a 222?</p> <p>10      A. It's a DEA 222 form to move      11 C-II drugs.</p> <p>12      Q. Okay. And what is a 405</p> <p>13 report?</p> <p>14      A. So it was a report that the      15 distribution used. I don't know what they --      16 I don't know what all it had on there. I      17 know that they used it.</p> <p>18      Q. And how do you know that they      19 used it?</p> <p>20      A. Because when it didn't generate      21 one month, they pinged me to help them get it      22 generated.</p> <p>23      Q. Do you know why they pinged you      24 to help get them generated?</p> <p>25      A. Because of the systems</p>
Page 55	Page 57

<p style="text-align: right;">Page 58</p> <p>1 background that I had.</p> <p>2 Q. And what systems backgrounds do</p> <p>3 you have?</p> <p>4 A. It was mainly knowing how the</p> <p>5 orders would come in, some of the jobs that</p> <p>6 were run for certain reports. So I would</p> <p>7 partner with maybe my -- I had contacts over</p> <p>8 in the IT department, so they would ask me to</p> <p>9 ping somebody over in IT to let them know</p> <p>10 that a report didn't run.</p> <p>11 Q. And I just want to put a time</p> <p>12 frame on that answer.</p> <p>13 What time frame would you ping</p> <p>14 folks in IT to run a report?</p> <p>15 MS. FUMERTON: Objection.</p> <p>16 Form.</p> <p>17 THE WITNESS: That happened to</p> <p>18 be one incident. I don't know when it</p> <p>19 occurred.</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21 Q. Okay. Other than the 405</p> <p>22 reports and the DC associates reviewing the</p> <p>23 orders, prior to the role of Reddwerks, was</p> <p>24 Walmart doing anything else to review orders</p> <p>25 for Schedule II narcotics?</p>	<p style="text-align: right;">Page 60</p> <p>1 basis?</p> <p>2 A. That was part of the training</p> <p>3 that -- when I was learning how to -- they</p> <p>4 filled orders. They told me and so did the</p> <p>5 associates.</p> <p>6 Q. Okay. So who told you that?</p> <p>7 A. I don't recall the manager that</p> <p>8 would have said it.</p> <p>9 Q. Was it the manager at 6045 or</p> <p>10 your manager for the training?</p> <p>11 A. No, it was the managers that</p> <p>12 were supervisors at 6045.</p> <p>13 Q. Mike Mullin?</p> <p>14 A. He was a general manager. I</p> <p>15 don't know.</p> <p>16 Q. Okay. Do you know who had</p> <p>17 responsibility at 6045 for making sure the</p> <p>18 associates would review the orders for</p> <p>19 Schedule II narcotics?</p> <p>20 A. I don't know.</p> <p>21 Q. Are you aware of any instance</p> <p>22 where the associates flagged an order for</p> <p>23 Schedule II narcotics as potentially</p> <p>24 suspicious?</p> <p>25 MS. FUMERTON: Objection.</p>
<p style="text-align: right;">Page 59</p> <p>1 MS. FUMERTON: Objection.</p> <p>2 Form.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. Anything else that you're aware</p> <p>6 of that was being done?</p> <p>7 MS. FUMERTON: Objection.</p> <p>8 Form.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. Well, you visited DC 6045 in</p> <p>12 2008, correct?</p> <p>13 A. I did.</p> <p>14 Q. Okay. At that point did you</p> <p>15 see anything else being done in connection</p> <p>16 with reviewing orders placed by the</p> <p>17 pharmacies for Schedule II narcotics?</p> <p>18 MS. FUMERTON: Objection.</p> <p>19 Form.</p> <p>20 THE WITNESS: Not that I</p> <p>21 recall.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. Okay. And did someone at DC</p> <p>24 6045 tell you that they would have the</p> <p>25 associates review the orders on a daily</p>	<p style="text-align: right;">Page 61</p> <p>1 Form.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. Was that part of your training?</p> <p>5 A. I spent a day there. I --</p> <p>6 doing the order filling process. That day we</p> <p>7 didn't. I don't know of anything else that</p> <p>8 would have been done.</p> <p>9 Q. What about since that day?</p> <p>10 MS. FUMERTON: Objection.</p> <p>11 Form.</p> <p>12 THE WITNESS: I don't know. It</p> <p>13 wouldn't have been anything that would</p> <p>14 have come to me.</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. So in 2008 you're tagged with</p> <p>17 responsibility to bring in a system to kind</p> <p>18 of move beyond this printout and paper</p> <p>19 system, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And what did you do in</p> <p>22 connection with those responsibilities?</p> <p>23 A. I looked at multiple order</p> <p>24 filling vendors. I brought those vendors to</p> <p>25 my boss at the time, and then they made a</p>

Page 62	Page 64
<p>1 decision on which vendor to go with.      2 Q. And who was your boss at the      3 time?      4 A. So in 2008 it was Molly Mason.      5 Q. And which vendor did you end up      6 going with?      7 A. Reddwerks.      8 Q. And do you recall why you chose      9 Reddwerks?      10 A. They had -- they were the only      11 vendor that had a continuous light.      12 Q. And what do you mean by a      13 continuous light?      14 A. So the bar in front of the      15 product, it was all lights versus just one      16 light.      17 Q. And was that something that was      18 important to Walmart?      19 A. It was important, yes.      20 Q. And why is that?      21 A. So that you wouldn't have to      22 have openings if the product -- for that      23 location, the size changed, you wouldn't have      24 to go get maintenance to cut you another      25 plate to move the light over. So then you</p>	<p>1 MR. BOWER: What's the nature      2 of that objection?      3 MS. FUMERTON: It's an      4 incredibly broad and vague question.  <b>5 QUESTIONS BY MR. BOWER:</b>      6 Q. Okay. You can answer.      7 A. So in 2008, they printed the      8 222 forms, and they printed the paper orders.      9 Q. And what would they do with      10 those paper orders that they printed?      11 A. They would fill the order from      12 the paper.      13 Q. Did that process change after      14 Walmart adopted the Reddwerks system?      15 A. The -- I don't know how to      16 answer that because it's -- the fill process      17 still was the same. I was still getting      18 order at the DC. I'd still sign my 222,      19 just -- I don't print paper. It goes to a      20 light.      21 Q. Okay. You mentioned the light      22 term a couple times.      23 What do you mean by "light"?      24 It may not be familiar to some      25 of us that aren't in the industry.</p>
<p style="text-align: center;">Page 63</p> <p>1 could dedicate light space for that product,      2 and if that product moved somewhere else in a      3 different bay, then -- running a smaller      4 product, then you didn't have to, again, cut      5 the plate and change the backing of it.      6 Q. Did Walmart's decision to go      7 with Reddwerks impact the ordering process      8 for Schedule II narcotics?      9 MS. FUMERTON: Objection.      10 Form.      11 THE WITNESS: No.  <b>12 QUESTIONS BY MR. BOWER:</b>      13 Q. Those orders still came in to      14 6045, correct?      15 A. Correct.      16 Q. They were still printed out on      17 paper on a daily basis?      18 A. They printed the 222 form.      19 Q. Okay. Well, let's go back then      20 to before you went with Reddwerks.      21 A. Uh-huh.      22 Q. How was Walmart filling orders      23 for Schedule II products at 6045?      24 MS. FUMERTON: Objection.      25 Form.</p>	<p style="text-align: center;">Page 65</p> <p>1 A. So it truly is a bar of lights,      2 and the light will light up with the quantity      3 that you need to pick for that product.      4 Q. So there's an associate      5 assigned to each product; is that correct?      6 A. There's an associate      7 assigned...      8 MS. FUMERTON: Go ahead.      9 Sorry. I was going to give an      10 objection. Go ahead.      11 THE WITNESS: There's an      12 associate assigned multiple products.  <b>13 QUESTIONS BY MR. BOWER:</b>      14 Q. And the light informs the      15 associate of how much of that product is      16 necessary for a particular order; is that      17 correct?      18 A. That's correct.      19 Q. And how does the light do that?      20 A. It's the same thing that went      21 to the paper that goes to the light.      22 Q. Is the light a screen?      23 A. Is the light a screen?      24 Q. Yeah.      25 How does the light convey that</p>

<p style="text-align: right;">Page 66</p> <p>1 information to an associate? Is it a number      2 on a screen? Is it --      3 A. Yes, it's a number on a screen.      4 Q. And does that number on the      5 screen reflect a product number?      6 MS. FUMERTON: Objection.      7 Form.</p> <p>8 QUESTIONS BY MR. BOWER:      9 Q. All right. I'll strike that.      10 The associate's assigned more      11 than one product, correct?      12 A. Correct.      13 Q. How does the associate know how      14 many of each product to fill?      15 A. There's just -- the light in      16 front of that product tells them. So there's      17 a screen there that says "pick one" or      18 whatever.      19 Q. Okay. And that process applied      20 to order filling at 6045 for Schedule II      21 products; is that correct?      22 A. It occurred for all buildings.      23 Q. And when was that process      24 implemented at 6045?      25 A. I don't know exactly when it</p>	<p style="text-align: right;">Page 68</p> <p>1 manager for the pharmacy team.      2 How long did you hold that      3 position?      4 A. That's what I currently do.      5 Q. You still have that -- what's      6 your current title?      7 A. Senior manager, department      8 supply chain. We just changed it from      9 logistics to supply chain.      10 MR. BOWER: It might take a      11 little longer to go through subsequent      12 duties and responsibilities, so why      13 don't we take a break and we can      14 finish up after.      15 MS. FUMERTON: Okay.      16 VIDEOGRAPHER: Going off the      17 record at 8:33 a.m.      18 (Off the record at 8:33 a.m.)      19 VIDEOGRAPHER: We're back on      20 the record at 8:47 a.m.      21 QUESTIONS BY MR. BOWER:      22 Q. Okay. I just want to finish      23 up, hopefully fairly briefly, your roles at      24 Walmart.      25 So from 2008 to the present,</p>
<p style="text-align: right;">Page 67</p> <p>1 was implemented in 6045, but we started the      2 project in 2009.      3 Q. Do you know whether the      4 implementation of Reddwerks impacted      5 Walmart's suspicious order monitoring program      6 at all?      7 MS. FUMERTON: Objection.      8 Form.</p> <p>9 THE WITNESS: I have no idea.      10 QUESTIONS BY MR. BOWER:      11 Q. You don't know one way or the      12 other, correct?      13 A. I have no idea.      14 MS. FUMERTON: Zach, we've been      15 going for about an hour. Would it be      16 okay --      17 MR. BOWER: Can we just have a      18 few minutes just to round out her      19 employment history and then we'll --      20 MS. FUMERTON: Sure.      21 MR. BOWER: I just wanted -- so      22 we can switch topics after the break.      23 QUESTIONS BY MR. BOWER:      24 Q. So you held this position      25 beginning in 2008 where you were senior</p>	<p style="text-align: right;">Page 69</p> <p>1 you've had the same title, essentially; is      2 that correct?      3 A. That's correct.      4 Q. Okay. Other than the system      5 implementation of Reddwerks that we've      6 discussed, what have your other duties and      7 responsibilities been since 2008 in that      8 title?      9 A. So it's mostly been systems,      10 system enhancements, the rollout of CSOS,      11 some other day-to-day stuff that comes up.      12 Q. Other than the rollout of CSOS,      13 which stands for controlled substance      14 ordering system -- is that correct?      15 A. That's correct.      16 Q. What other systems enhancements      17 did you work on?      18 A. So we did the order level      19 alerts for Reddwerks. And then we did an      20 enhancement to that later on.      21 Q. And do you have any      22 understanding as to why Walmart imposed an      23 order level alert for Reddwerks?      24 MS. FUMERTON: Objection.      25 Form.</p>

<p style="text-align: right;">Page 70</p> <p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Well, strike that.</p> <p>3 You said you did -- in your</p> <p>4 words, you did the order level work for</p> <p>5 Reddwerks.</p> <p>6 What is that?</p> <p>7 A. So that was the threshold</p> <p>8 process that was put in.</p> <p>9 Q. Do you have any understanding</p> <p>10 as to why that was put in?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: No, just -- I was</p> <p>15 just asked to run the project.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. As you sit here today, you have</p> <p>18 no recollection as to why this project was</p> <p>19 needed; is that correct?</p> <p>20 MS. FUMERTON: Objection.</p> <p>21 Form.</p> <p>22 THE WITNESS: That's correct.</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. Do you recall approximately</p> <p>25 when that -- the order level alerts for</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. And what different visibility</p> <p>2 was provided by the new screens?</p> <p>3 A. From what I recall, it showed</p> <p>4 what was ordered, what was the threshold and</p> <p>5 what the weekly amount shipped. And that</p> <p>6 wasn't available. Or it was available, but</p> <p>7 you had to go dig through it, so this just</p> <p>8 put it all on one screen.</p> <p>9 Q. Were those new or different</p> <p>10 screens part of the ordering process for</p> <p>11 Schedule II products?</p> <p>12 MS. FUMERTON: Objection to</p> <p>13 form.</p> <p>14 THE WITNESS: I'm not sure I</p> <p>15 understand your question.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Well, you mentioned that</p> <p>18 enhancement occurred, right, to Reddwerks?</p> <p>19 A. Yes.</p> <p>20 Q. Right?</p> <p>21 Did that enhancement impact the</p> <p>22 ordering, or the review of the ordering, for</p> <p>23 Schedule II products?</p> <p>24 MS. FUMERTON: Objection.</p> <p>25 Form.</p>
<p style="text-align: right;">Page 71</p> <p>1 Reddwerks was rolled out?</p> <p>2 A. I believe 2010, 2011.</p> <p>3 Q. And what about the enhancement</p> <p>4 that you mentioned, what does that refer to?</p> <p>5 A. So we added different screens</p> <p>6 on the Reddwerks system.</p> <p>7 Q. Did you have any understanding</p> <p>8 as to what the reason for the different</p> <p>9 screens was?</p> <p>10 MS. FUMERTON: Objection to</p> <p>11 form.</p> <p>12 MR. BOWER: What's the nature</p> <p>13 of that objection?</p> <p>14 MS. FUMERTON: Because it can</p> <p>15 be -- again, it's vague and ambiguous,</p> <p>16 but the reason why, because referring</p> <p>17 to two different things: why it was</p> <p>18 implemented in the first place, or why</p> <p>19 the different screens existed and what</p> <p>20 the functionality was.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Okay. Why was the different</p> <p>23 screens implemented in the first place?</p> <p>24 A. Different visibility to that</p> <p>25 order alert.</p>	<p style="text-align: right;">Page 73</p> <p>1 THE WITNESS: They were part of</p> <p>2 the rollout with all the other DCs.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. Okay. But I thought you</p> <p>5 testified earlier that Schedule II products</p> <p>6 could only be ordered once a week, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. So why would Walmart</p> <p>9 need an enhancement to view the prior orders</p> <p>10 for that week for Schedule II products?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 THE WITNESS: I mean, it was</p> <p>14 just to level set all the buildings.</p> <p>15 The code needed to be the same for</p> <p>16 all.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. But for practical purposes,</p> <p>19 because Schedule II products were ordered</p> <p>20 once a week, it wouldn't have impacted the</p> <p>21 information on those screens, correct?</p> <p>22 A. I don't know. I mean...</p> <p>23 Q. Well, you know that Schedule II</p> <p>24 products can only be ordered once a week,</p> <p>25 correct?</p>

<p style="text-align: right;">Page 74</p> <p>1 A. That's correct.</p> <p>2 Q. So what additional information 3 could have been provided with respect to 4 those orders once the enhancement occurred?</p> <p>5 MS. FUMERTON: Objection. 6 Form.</p> <p>7 THE WITNESS: They still had a 8 threshold, so it still would alert if 9 it was beyond that threshold.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. Okay. Was the threshold 12 available prior to that enhancement?</p> <p>13 MS. FUMERTON: Objection. 14 Form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. So did the enhancement impact 18 the threshold?</p> <p>19 A. No.</p> <p>20 Q. Did the enhancement impact how 21 the alerts for any threshold -- strike that.</p> <p>22 Did the -- did the enhancement 23 impact how threshold alerts were conveyed to 24 the DC?</p> <p>25 MS. FUMERTON: Objection.</p>	<p style="text-align: right;">Page 76</p> <p>1 whether this refreshes your recollection that 2 the systems you were working on related 3 suspicious order monitoring as noted in the 4 title of the attachment.</p> <p>5 A. I don't recall the e-mail.</p> <p>6 MS. FUMERTON: And once you're 7 done, just for the documents, it's 8 probably best to let him know that 9 you're done reviewing the document and 10 he can ask his questions.</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. BOWER: Thanks.</p> <p>13 THE WITNESS: I'm finished.</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. Okay. If you see the e-mail, 16 the first e-mail there in that chain from 17 Mr. Beam to Tim Harris, do you see that one?</p> <p>18 A. Yes.</p> <p>19 Q. He writes, "I know that Ramona, 20 Jim and crew were working on a data system to 21 meeting the new regulatory requirements." 22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Was that an accurate statement 25 in August of 2011?</p>
<p style="text-align: right;">Page 75</p> <p>1 Form.</p> <p>2 THE WITNESS: Not that I'm 3 aware of. I don't know.</p> <p>4 (Walmart-Sullins Exhibit 1 5 marked for identification.)</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7 Q. I'm going to show you some 8 documents, and maybe it will help you refresh 9 your recollection.</p> <p>10 Okay?</p> <p>11 A. Okay.</p> <p>12 Q. Okay. You've been handed 13 what's been marked as Exhibit 1. This is -- 14 take a moment to review it.</p> <p>15 While you're reviewing it, I'll 16 note that this is an e-mail from Tim Harris 17 to Nick Tallman, yourself, Theresa Alford, 18 Donna Auldrige and Donald Silvia, Junior, 19 dated 8/1/2011, and the Bates number is 20 ending in 9183. And it includes the 21 attachments going through 9185. Or 22 attachment, rather.</p> <p>23 So just take a moment to review 24 that. Let me know when you're done. I just 25 have a -- my initial questions will be</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I don't know that we were 2 working on those -- the threshold process 3 with Reddwerks.</p> <p>4 Q. And was that process a data 5 system designed to meet new regulatory 6 requirements?</p> <p>7 A. I know that it was -- I don't 8 know that there was a new regulatory 9 requirement. I know that what I was asked to 10 do was to partner with Reddwerks and have 11 them put together a threshold process.</p> <p>12 Q. Okay. So -- but certainly when 13 you received this e-mail, you must have 14 realized that -- the reasons for that, right?</p> <p>15 MS. FUMERTON: Objection. 16 Form.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. I mean, he's stating here 19 that -- the data system to meet the new 20 requirements.</p> <p>21 Do you see that?</p> <p>22 A. I see it.</p> <p>23 Q. So when you would receive this 24 e-mail, wouldn't have you then learned of the 25 reasons for the Reddwerks project?</p>

<p style="text-align: right;">Page 78</p> <p>1 MS. FUMERTON: Objection. 2 Form.</p> <p>3 THE WITNESS: I don't recall if 4 this was before or after we started 5 the project.</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7 Q. Okay. But my question to you, 8 though, is whether, when you received this 9 e-mail, wouldn't that have informed you the 10 reasons for the project?</p> <p>11 MS. FUMERTON: Objection. 12 Form.</p> <p>13 THE WITNESS: Again, I don't 14 know if I received this e-mail prior 15 to the Reddwerks changes that we were 16 in the process of doing.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. And I'm just -- sorry. My 19 question is a little bit different, though. 20 Okay?</p> <p>21 My question is: When you 22 received this e-mail, would this e-mail not 23 have informed you the reasons that you were 24 implementing the Reddwerks projects, whether 25 it was complete yet or not?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. So the -- to put in a system to 2 alert orders that were beyond that threshold, 3 whatever that was determined.</p> <p>4 Q. And who told you that was -- 5 that needed to be done?</p> <p>6 A. Tim Harris.</p> <p>7 Q. In this e-mail? 8 Is this what he's telling you 9 needs to be done, or some other communication 10 that he told you needed to be done?</p> <p>11 MS. FUMERTON: Objection. 12 Form.</p> <p>13 THE WITNESS: It would have 14 been outside of -- I would think it 15 would have been in a communication one 16 on one, you know.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. All right. So we're in August, 19 right, 2011, right? Mr. Harris sends you 20 this e-mail saying that "Ramona, Jim and crew 21 were working on a data system to meeting the 22 new regulatory requirements."</p> <p>23 Is your testimony as you sit 24 here today that you didn't know why you were 25 working on a new system?</p>
<p style="text-align: right;">Page 79</p> <p>1 MS. FUMERTON: Objection. 2 Form.</p> <p>3 THE WITNESS: Again, I don't 4 know if I would have received this 5 e-mail prior to us doing the Reddwerks 6 enhancement.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8 Q. Okay. Well, let's say you 9 received this e-mail after you did these 10 enhancements, okay?</p> <p>11 A. Okay.</p> <p>12 Q. Would this e-mail then have 13 informed you whether or not the enhancements 14 were designed to meet new regulatory 15 requirements?</p> <p>16 A. No, because I don't know what 17 they were. It wasn't anything that I was -- 18 I mean, it wasn't part of my job 19 responsibilities.</p> <p>20 It was my job responsibility to 21 partner with Reddwerks and get the threshold 22 process implemented.</p> <p>23 Q. And what specifically were you 24 instructed to get implemented with respect to 25 the threshold process? What does that mean?</p>	<p style="text-align: right;">Page 81</p> <p>1 MS. FUMERTON: Objection. 2 Form. Misstates the document.</p> <p>3 THE WITNESS: Yes.</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. And who's Jim, do you know, 6 referenced in this e-mail?</p> <p>7 A. I don't know.</p> <p>8 Q. Well, there's two people 9 mentioned by name: you and Jim. You're 10 saying you don't know who Jim is?</p> <p>11 A. There was a Jim on our team, 12 but there was also other Jims in the area.</p> <p>13 Q. What do you mean by "in the 14 area"?</p> <p>15 A. In the health and wellness 16 area.</p> <p>17 Q. Well, were any other Jims 18 working on a data system to meeting the new 19 regulatory requirements?</p> <p>20 A. I don't know. I -- I mean, I 21 was asked to do that. I don't know if Jim 22 was, too.</p> <p>23 Q. Did you work with a Jim in 24 context with that assignment?</p> <p>25 A. No, I did not.</p>

Page 82	Page 84
<p>1 Q. Okay. Did you work with any 2 others in your crew on that assignment? 3 A. I worked with compliance, and 4 there was a Jim in compliance. I don't know 5 if that's who he's referring to. 6 Q. Did you ever ask him, "Hey, 7 Tim, who are you referring to? I don't 8 understand your e-mail"? 9 MS. FUMERTON: Objection. 10 Form. Misstates the document. 11 THE WITNESS: I don't recall. 12 QUESTIONS BY MR. BOWER: 13 Q. Okay. Any other names of the 14 crew members that you can recall? 15 A. No, because it would have 16 been -- I don't know who would have been in 17 ISD or anything like that that I would have 18 worked with to help with the system portion 19 of it. 20 Q. What do you mean by "the system 21 portion of it"? 22 A. Well, it was an enhancement to 23 the system. 24 Q. And as you sit here today, how 25 do you know this was referring to the</p>	<p>1 today, you don't know who you worked with on 2 it; is that correct? 3 A. I know who I worked with in 4 ISD. I don't recall who I worked with 5 because there was multiple people in 6 compliance that were involved. 7 Q. Okay. What does ISD stand for? 8 A. Information systems -- 9 Q. Okay. And who -- 10 A. -- department. 11 Q. And who did you work with at 12 ISD? 13 A. With Donald Silvia. 14 Q. Anyone else? 15 A. There was other people there. 16 I don't recall who they were. 17 Q. And what specifically did you 18 do in connection with creating the order 19 level alerts? 20 A. So we would partner with 21 Reddwerks to look at what requirements were 22 needed from compliance. Compliance would -- 23 you know, pretty much told us how they wanted 24 the process to work. We then conveyed those 25 requirements to Reddwerks.</p>
<p>1 enhancement and not the initial threshold 2 process? 3 MS. FUMERTON: Objection. 4 Form. 5 THE WITNESS: So I'm talking 6 about the threshold process. 7 QUESTIONS BY MR. BOWER: 8 Q. Okay. Well, you mentioned -- 9 and I just want to make sure -- sorry, I'll 10 let you finish. 11 A. No, go ahead. 12 Q. I just want to be clear, 13 because before you mentioned two different 14 things, right, the initial creation of the 15 order level alerts and then the enhancement? 16 A. Yes. 17 Q. Is it your understanding that 18 this e-mail refers to that initial creation 19 of the alerts or the enhancement? 20 A. The initial creation of the 21 alerts. 22 Q. Was that a fairly large project 23 for you at that time? 24 A. Yes. 25 Q. Okay. But as you sit here</p>	<p>1 Q. Do you recall what compliance 2 told you with respect to how they wanted the 3 process to work? 4 A. I don't recall because it was 5 part of the requirements, so I don't recall 6 specifically. 7 Q. Do you recall anything about 8 what compliance told you they needed? 9 A. For it to alert orders based on 10 the threshold. 11 Q. Okay. And do you recall 12 whether this was specific to Schedule II 13 products or whether it was broader than that? 14 A. It was all products. 15 Q. Was it limited to pharmacy 16 products? 17 A. It was all pharmacy. It was in 18 the pharmacy distribution centers, yes. 19 Q. Did they include products that 20 were not prescription drugs? 21 A. Yes. 22 Q. Can you give us an example of 23 something that would have been included that 24 wasn't a prescription drug? 25 A. The ReliOn insulin strips.</p>

Page 86	Page 88
<p>1 Q. Okay. Anything else that      2 wasn't a prescription drug that would have      3 been included in this project?</p> <p>4 A. There was some supplies that      5 were -- that we would ship to the stores.      6 There was hearing aids.</p> <p>7 Q. So this -- sorry, I didn't know      8 if --</p> <p>9 A. It's okay.</p> <p>10 Q. So this order level alert      11 project had a fairly significant impact on      12 the pharmacy ordering; would you agree with      13 that?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form.</p> <p>16 THE WITNESS: I wouldn't agree      17 with that.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. And why not?</p> <p>20 A. It wouldn't have impacted the      21 orders.</p> <p>22 Q. Okay. Would it have impacted      23 the ordering process?</p> <p>24 A. No.</p> <p>25 Q. Okay. What impact would it</p>	<p>1 A. Yes.</p> <p>2 Q. Do you see that?</p> <p>3 Do you know what suspicious      4 order monitoring is?</p> <p>5 A. Yes.</p> <p>6 Q. And what's your understanding      7 as to what suspicious order monitoring is?</p> <p>8 A. Monitoring orders coming into      9 the distribution center.</p> <p>10 Q. And would that -- strike that.</p> <p>11 Based on your understanding,      12 would that include orders of any kind of      13 product?</p> <p>14 A. Yes.</p> <p>15 Q. Including nonprescription      16 products?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And why was Walmart --      19 strike that.</p> <p>20 What's your basis for that      21 understanding?</p> <p>22 A. Just that it affected all      23 product. We were asked to do it for all the      24 product, not specific.</p> <p>25 Q. Well, do you see in the</p>
Page 87	Page 89
<p>1 have had, if any, on the pharmacies?</p> <p>2 A. I don't know of any impact that      3 it would have had.</p> <p>4 Q. So do you have any      5 understanding as to what the reasons that      6 these thresholds were being implemented?</p> <p>7 A. Ask that again.</p> <p>8 Q. Sure.</p> <p>9 Do you have any understanding      10 as to why these thresholds were being      11 implemented?</p> <p>12 A. No.</p> <p>13 Q. You just were asked to do it,      14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. So you did it, right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So let's look at the      19 attachment then to this Exhibit 1.</p> <p>20 Do you see it says, "A SOMLink      21 solution"?</p> <p>22 A. Yes.</p> <p>23 Q. And do you see the title of the      24 attachment in the e-mail says "suspicious      25 order monitoring"?</p>	<p>1 attachment here it references DEA compliance?</p> <p>2 MS. FUMERTON: Can you point to      3 specifically where you're looking?</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. Sure.</p> <p>6 It says, "The statistical      7 defensible analysis provided by SOMLink is a      8 must for DEA compliance, VAWD accreditation      9 and HDMA membership."</p> <p>10 Do you see that in the last      11 sentence of the second paragraph?</p> <p>12 A. Yes, I see that.</p> <p>13 Q. Do you know what DEA compliance      14 refers to?</p> <p>15 A. No.</p> <p>16 Q. Do you have any understanding      17 that Walmart has an obligation to monitor for      18 suspicious orders of Schedule II products?</p> <p>19 A. Yes, I do understand that they      20 have an obligation.</p> <p>21 Q. Okay. Do you have any      22 understanding that that obligation may have      23 been related to your threshold work in      24 Reddwerks?</p> <p>25 A. At the time I didn't put those</p>

<p style="text-align: right;">Page 90</p> <p>1 together.</p> <p>2 Q. At the time it was your</p> <p>3 understanding that the Reddwerks project was</p> <p>4 simply -- strike that.</p> <p>5 What was your understanding of</p> <p>6 why the Reddwerks project was needed during</p> <p>7 this time period?</p> <p>8 A. During 2010?</p> <p>9 Q. Yeah. 2011.</p> <p>10 A. I'm sorry. That we needed to</p> <p>11 put in a threshold order level alert into the</p> <p>12 system. That was my understanding.</p> <p>13 Q. But you didn't have any</p> <p>14 understanding as to why that system was</p> <p>15 needed, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And indeed that system wasn't</p> <p>18 limited to Schedule II products, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And it wasn't limited to</p> <p>21 Schedule III products, correct?</p> <p>22 A. Correct.</p> <p>23 Q. It applied to all -- strike</p> <p>24 that.</p> <p>25 It applied to all prescription</p>	<p style="text-align: right;">Page 92</p> <p>1 to the electronic CSOS.</p> <p>2 Q. And at some point did you</p> <p>3 become aware that Walmart -- Walmart</p> <p>4 Distribution Center 6045 was running daily</p> <p>5 over 20 reports?</p> <p>6 A. I did become aware of it. I</p> <p>7 was -- may have been copied on a couple of</p> <p>8 e-mails on that, yeah.</p> <p>9 Q. Sorry. You said you were</p> <p>10 copied on a couple of e-mails; is that</p> <p>11 correct?</p> <p>12 A. I don't know how many. I</p> <p>13 believe I was -- I had one e-mail or</p> <p>14 something.</p> <p>15 Q. Well, weren't you, in fact, the</p> <p>16 person to inform the folks at DC 6045 of the</p> <p>17 new process?</p> <p>18 MS. FUMERTON: Objection.</p> <p>19 Form.</p> <p>20 THE WITNESS: I don't recall.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. You don't recall one way or the</p> <p>23 other; is that correct?</p> <p>24 A. I don't recall informing them.</p> <p>25 Q. Do you recall having meetings</p>
<p style="text-align: right;">Page 91</p> <p>1 products, correct?</p> <p>2 A. It applied to all products.</p> <p>3 Q. When did the rollout of the</p> <p>4 C-S-O-S, CSOS, occur?</p> <p>5 A. I think we did a pilot in 2012,</p> <p>6 at the end of 2012.</p> <p>7 Q. Was the CSOS specific to 6045?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall when it was</p> <p>10 actually put in practice in 6045?</p> <p>11 A. 2000 -- I'm guessing 2013 if we</p> <p>12 did it at the end of 2012.</p> <p>13 Q. While you were working on CSOS,</p> <p>14 did you have any understanding as to why</p> <p>15 Walmart was implementing that process?</p> <p>16 A. To go away from the paper 222</p> <p>17 forms.</p> <p>18 Q. And did you have any further</p> <p>19 understanding as to why Walmart wanted to go</p> <p>20 away from the paper 222s?</p> <p>21 A. No. We had -- we had old</p> <p>22 computers that were running the system and</p> <p>23 old dot matrix printers that were obsolete,</p> <p>24 and we couldn't find replacements for those,</p> <p>25 so that was a part of the initiative to move</p>	<p style="text-align: right;">Page 93</p> <p>1 about the process?</p> <p>2 A. No.</p> <p>3 Q. Do you recall discussing the</p> <p>4 process with Bart?</p> <p>5 A. No.</p> <p>6 (Walmart-Sullins Exhibit 2</p> <p>7 marked for identification.)</p> <p>8 QUESTIONS BY MR. BOWER:</p> <p>9 Q. Okay. You've been handed</p> <p>10 what's been marked as Exhibit 2 to today's</p> <p>11 deposition. It's an e-mail -- short e-mail</p> <p>12 chain to yourself and others in July of 2012.</p> <p>13 Let me know when you've had a</p> <p>14 chance to review it.</p> <p>15 A. Okay. Okay.</p> <p>16 Q. Does this refresh your</p> <p>17 recollection regarding your role in rolling</p> <p>18 out this process at 6045?</p> <p>19 A. It does.</p> <p>20 Q. Okay. And what was your role?</p> <p>21 A. To inform them to put the -- to</p> <p>22 let them know that there was going to be a 20</p> <p>23 limit on the oxy 30.</p> <p>24 Q. And why were you the one that</p> <p>25 was supposed to inform them of that?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Because I had to send an e-mail 2 to Reddwerks, and I had owned that 3 relationship with Reddwerks. 4 Q. Okay. Did you also own the 5 relationship with the DC team? 6 A. I was one of, you know, three 7 that owned that relationship as well. 8 Q. All right. And indeed, your 9 e-mail says "DC team, we," affecting 10 inclusion of yourself, correct? 11 I mean, it's your words, right? 12 You say, "DC team, we," right? 13 A. Right. 14 Q. Right? 15 "We have been asked to limit 16 the quantity of Item 3880693, oxycodone 30." 17 Do you see that? 18 A. I do. 19 Q. Okay. Did you have at that 20 time any understanding as to why that was 21 occurring? 22 A. No. 23 Q. Did it matter to you? 24 A. No, I was just asked to do it. 25 Q. And who asked you to do it?</p>	<p style="text-align: right;">Page 96</p> <p>1 our next step of drugs" we'll focus on will 2 be? 3 A. I don't recall. 4 Q. Do you recall -- strike that. 5 All right. Are you aware the 6 country is undergoing an opioid epidemic? 7 A. I am aware of that. 8 Q. When did you become aware of 9 that? 10 A. I don't know exactly when. 11 I've seen it in the news. 12 Q. Did you ever discuss it at 13 work? 14 A. No. 15 Q. No? 16 Didn't concern you at all that 17 you had a role in limiting one of the most 18 highly abused drugs in the country? 19 MS. FUMERTON: Objection. 20 Form. 21 THE WITNESS: Ask your question 22 again. 23 QUESTIONS BY MR. BOWER: 24 Q. Did it concern you at all that 25 you played a role in limiting the ordering by</p>
<p style="text-align: right;">Page 95</p> <p>1 A. From this e-mail, it looks like 2 Brandon. 3 Q. Well, let's look at that 4 e-mail, all right? 5 Brandon writes, "Ramona, as we 6 discussed today," correct? 7 A. Right. 8 Q. "And based on Bart's data," 9 right? 10 Do you know what data he's 11 referring to? 12 A. No, I don't. 13 Q. Do you know who Bart is? 14 A. Bart was in replenishment. 15 Q. Do you know what data he 16 provided? 17 A. No, I don't know what data he 18 provided. I don't recall it. 19 Q. And Brandon goes on to write, 20 he says, "After two weeks, we will then visit 21 on what our next step of drugs to focus on 22 will be." 23 Do you see that? 24 A. I see that. 25 Q. Do you and him visit on "what</p>	<p style="text-align: right;">Page 97</p> <p>1 Walmart pharmacies of one of the highest 2 abused drugs in the country? 3 MS. FUMERTON: Objection. 4 Form. 5 THE WITNESS: Was I concerned? 6 QUESTIONS BY MR. BOWER: 7 Q. Yeah. 8 A. No, I was asked to do 9 something. 10 Q. Okay. Are you aware that 11 oxy 30 was being -- strike that. 12 Are you aware that orders of 13 oxy 30 were being limited because of its 14 potential for abuse? 15 MS. FUMERTON: Objection. 16 Form. 17 THE WITNESS: No, I had no 18 knowledge of why. 19 QUESTIONS BY MR. BOWER: 20 Q. Did it matter to you from your 21 perspective? 22 MS. FUMERTON: Objection. 23 Form. 24 THE WITNESS: I was asked to do a job.</p>

Page 98	Page 100
<p><sup>1</sup> QUESTIONS BY MR. BOWER:</p> <p><sup>2</sup> Q. And so let's get into more of <sup>3</sup> what job you were asked to do.</p> <p><sup>4</sup> Okay?</p> <p><sup>5</sup> A. Okay.</p> <p><sup>6</sup> Q. Your first e-mail here, the <sup>7</sup> bottom says, "Brandon, came looking for you <sup>8</sup> to discuss the queries I had ran on the items <sup>9</sup> listed below."</p> <p><sup>10</sup> Why were you running those <sup>11</sup> queries?</p> <p><sup>12</sup> A. I was asked to run those.</p> <p><sup>13</sup> Q. And who asked you to run those?</p> <p><sup>14</sup> A. Tim Harris.</p> <p><sup>15</sup> Q. Tim Harris.</p> <p><sup>16</sup> And what queries did he ask you <sup>17</sup> to run?</p> <p><sup>18</sup> A. To run data on multiple items.</p> <p><sup>19</sup> Q. Do you have any idea why you <sup>20</sup> were running on the -- a query for the <sup>21</sup> Item 3880910?</p> <p><sup>22</sup> A. No, I was just asked to run it.</p> <p><sup>23</sup> Q. Did you ever ask why?</p> <p><sup>24</sup> A. No.</p> <p><sup>25</sup> Q. What -- where did you run these</p>	<p><sup>1</sup> support@Reddwerks.com.</p> <p><sup>2</sup> Q. And after you sent that e-mail, <sup>3</sup> how long would it have taken for this change <sup>4</sup> to be made?</p> <p><sup>5</sup> A. An overnight change.</p> <p><sup>6</sup> Q. Do you recall what the prior <sup>7</sup> order level alert was for oxy 30?</p> <p><sup>8</sup> A. I don't recall.</p> <p><sup>9</sup> Q. And then in your e-mail you <sup>10</sup> write, "If we receive calls from the stores <sup>11</sup> asking for additional oxy 30 product, please <sup>12</sup> direct them to the regional."</p> <p><sup>13</sup> Why did you write that?</p> <p><sup>14</sup> A. Because we had stores that <sup>15</sup> would call the distribution center to be <sup>16</sup> added for an additional day of shipment.</p> <p><sup>17</sup> Q. I understand that stores could <sup>18</sup> call, but why are you directing them to the <sup>19</sup> regional?</p> <p><sup>20</sup> A. To the store's regional.</p> <p><sup>21</sup> Q. Why are you providing that <sup>22</sup> instruction?</p> <p><sup>23</sup> A. I don't recall, other than <sup>24</sup> that's what we would do.</p> <p><sup>25</sup> Q. How did you know that that was</p>
<p><sup>1</sup> queries?</p> <p><sup>2</sup> A. In Teradata.</p> <p><sup>3</sup> Q. And what's Teradata?</p> <p><sup>4</sup> A. So it's a place where all, to <sup>5</sup> my understanding, data lives for, in this <sup>6</sup> case, shipment.</p> <p><sup>7</sup> Q. What do you mean by "shipment"?</p> <p><sup>8</sup> A. Ships to the store.</p> <p><sup>9</sup> Q. Who would you have e-mailed at <sup>10</sup> Reddwerks to make the appropriate change to <sup>11</sup> the order level alert parameter screen?</p> <p><sup>12</sup> A. It would have been a support <sup>13</sup> call to --</p> <p><sup>14</sup> Q. Well, it says "I will be <sup>15</sup> sending Reddwerks an e-mail."</p> <p><sup>16</sup> Do you see that?</p> <p><sup>17</sup> A. Yes.</p> <p><sup>18</sup> Q. So that statement is not <sup>19</sup> correct?</p> <p><sup>20</sup> A. So it's a support e-mail <sup>21</sup> address.</p> <p><sup>22</sup> Q. Oh, okay.</p> <p><sup>23</sup> Do you recall what that e-mail <sup>24</sup> address is?</p> <p><sup>25</sup> A. It used to be</p>	<p><sup>1</sup> the appropriate thing to do?</p> <p><sup>2</sup> A. I don't know. I mean, that's <sup>3</sup> what we did with stores, is direct them to <sup>4</sup> who their boss was.</p> <p><sup>5</sup> Q. So by the regional -- the <sup>6</sup> regional would be referring to the store's <sup>7</sup> boss?</p> <p><sup>8</sup> A. Yes.</p> <p><sup>9</sup> Q. And then you next write, "Also, <sup>10</sup> we will need to keep track of the stores <sup>11</sup> calling in to the DC or submitting a web form <sup>12</sup> for additional oxycodone 30 product."</p> <p><sup>13</sup> Do you see that?</p> <p><sup>14</sup> A. Yes.</p> <p><sup>15</sup> Q. Why did you write that?</p> <p><sup>16</sup> A. I really don't know, other than <sup>17</sup> to keep track of who was calling in so that <sup>18</sup> we could report that back to their regional.</p> <p><sup>19</sup> Q. But you didn't know why there <sup>20</sup> was a specific emphasis on oxy 30; is that <sup>21</sup> correct?</p> <p><sup>22</sup> A. That's correct.</p> <p><sup>23</sup> Q. And you never asked anybody why <sup>24</sup> oxy 30, correct?</p> <p><sup>25</sup> A. No, I did not.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q. Did you ever become aware that 2 oxy 30 was a highly abused drug? 3 A. No, I did not. 4 Q. Did you ever see the e-mails 5 that noted -- that noted that oxy 30 was a 6 highly abused drug? 7 A. Not that I recall. 8 Q. Did you ever have any follow-up 9 meetings with Brandon to discuss the next set 10 of drugs to focus on? 11 A. I don't recall if we did. 12 Q. Do you recall adding additional 13 order alert levels to other drugs? 14 A. I don't recall. 15 Q. Do you recall further 16 follow-ups with Mr. Sherl regarding putting 17 together a daily spreadsheet? 18 A. I don't recall that. 19 Q. Who was Susanne Hiland? 20 A. Susanne Hiland? 21 Q. Hiland, yeah, sorry. 22 A. She was in compliance. 23 Q. Do you work with her? 24 A. Yeah, on like CSOS I did. 25 Q. What about on this issue, on</p>	<p style="text-align: right;">Page 104</p> <p>1 QUESTIONS BY MR. BOWER: 2 Q. You cut orders for insulin. We 3 talked about that. 4 What are test strips? 5 A. The ReliOn test strips for -- 6 diabetic test strips. 7 Q. Do you recall why you cut 8 orders for those test strips? 9 A. Again, it was similar to the 10 ReliOn insulin, that they would misorder 11 product. 12 Q. Right. 13 It was because they came in 14 packs of ten, correct, and folks simply 15 wouldn't realize that and order ten times the 16 amount necessary, right? 17 A. Yes. 18 Q. So there were specific reasons 19 for those order cuts, right? 20 A. Yes. 21 Q. Based on the size of the 22 packaging, right? 23 MS. FUMERTON: Objection. 24 Form. 25 THE WITNESS: It was after we</p>
<p style="text-align: right;">Page 103</p> <p>1 this oxy 30 issue? 2 A. I don't know if I did or 3 didn't. 4 Q. No recollection? 5 A. No. 6 Q. Do you recall running reports 7 and looking at what orders were cut? 8 A. No, I don't recall that. 9 Q. Do you recall being provided 10 with reports on what orders were cut? 11 A. No, I don't recall that. 12 Q. Do you recall anything else 13 about your role in cutting orders? 14 MS. FUMERTON: Objection. 15 Form. 16 QUESTIONS BY MR. BOWER: 17 Q. And just so I'm clear, my 18 question is very broad. I'm asking you do 19 you recall anything else about your role in 20 cutting -- cutting orders? 21 MS. FUMERTON: Objection. 22 Form. 23 THE WITNESS: Cut orders for 24 insulin, we cut orders for test 25 strips.</p>	<p style="text-align: right;">Page 105</p> <p>1 would contact the store and let them 2 know. DCs would contact the stores. 3 QUESTIONS BY MR. BOWER: 4 Q. Right. 5 And they would cut because the 6 packages came in ten, correct? 7 MS. FUMERTON: Objection. 8 Form. 9 THE WITNESS: Not necessarily. 10 They would cut based on what they 11 needed. 12 QUESTIONS BY MR. BOWER: 13 Q. Well, those two products were 14 frequently ordered in multiples of ten, so 15 they had to be cut because the orders were 16 too large; isn't that right? 17 MS. FUMERTON: Objection. 18 Form. 19 THE WITNESS: At certain times, 20 yes. 21 QUESTIONS BY MR. BOWER: 22 Q. So other than those two 23 products and oxy 30, any other products that 24 you had involvement in cutting orders for? 25 MS. FUMERTON: Objection.</p>

Page 106	Page 108
<p>1       Form.</p> <p>2           THE WITNESS: Not that I</p> <p>3       recall.</p> <p>4   <b>QUESTIONS BY MR. BOWER:</b></p> <p>5       Q. And you know why those two</p> <p>6       orders were cut, right, but you don't know</p> <p>7       why oxy 30 orders were cut?</p> <p>8       A. No, I don't know.</p> <p>9       Q. You never asked?</p> <p>10      A. I did not.</p> <p>11      Q. Didn't concern you?</p> <p>12      MS. FUMERTON: Objection.</p> <p>13      Form.</p> <p>14      THE WITNESS: I did what they</p> <p>15     were asking me to do.</p> <p>16      (Walmart-Sullins Exhibit 3</p> <p>17     marked for identification.)</p> <p>18   <b>QUESTIONS BY MR. BOWER:</b></p> <p>19      Q. Okay. You've been handed</p> <p>20     what's been marked as Exhibit 3, which is</p> <p>21     another e-mail from yourself, right, to</p> <p>22     Mr. Sherl --</p> <p>23      A. Uh-huh.</p> <p>24      Q. -- cc'ing others, right?</p> <p>25      A. Yes.</p>	<p>1       late?</p> <p>2       A. I would take my laptop home to</p> <p>3       get e-mail done.</p> <p>4       Q. Do you typically work that</p> <p>5       late?</p> <p>6       A. On some occasions, yes.</p> <p>7       Q. What time do you usually come</p> <p>8       to the office?</p> <p>9       A. I'm usually there by 7.</p> <p>10      Q. And you're referencing your</p> <p>11     phone conversation with Jimmie, correct?</p> <p>12      A. Yes, that's what it says here.</p> <p>13      Q. You're saying, "Please put</p> <p>14     together a daily spreadsheet with the</p> <p>15     essential information needed to report any</p> <p>16     stores that order more than 20 bottles of</p> <p>17     oxycodone 30."</p> <p>18      Do you see that?</p> <p>19      A. Yes.</p> <p>20      Q. Do you have any recollection as</p> <p>21     to why you provided that instruction to</p> <p>22     Mr. Sherl?</p> <p>23      A. Because of the e-mail he had</p> <p>24     sent. It was in e-mail format.</p> <p>25      Q. And why -- what was the problem</p>
<p>1       Q. And this is, in fact, the same</p> <p>2     day as the prior e-mail, right?</p> <p>3       A. Yes.</p> <p>4       Q. All right. This is 8:42 at</p> <p>5     night, right?</p> <p>6       A. Yes.</p> <p>7       Q. Any recollection as to why</p> <p>8     you're e-mailing Jimmie at 8:42 at night</p> <p>9     referencing a phone conversation?</p> <p>10      MS. FUMERTON: I don't know if</p> <p>11     she's had a chance to review the</p> <p>12     document yet.</p> <p>13      MR. BOWER: Okay. Sure, it's</p> <p>14     just a short e-mail, but, sure.</p> <p>15      THE WITNESS: Okay.</p> <p>16   <b>QUESTIONS BY MR. BOWER:</b></p> <p>17      Q. Have you had a chance to review</p> <p>18     it?</p> <p>19      A. Yes.</p> <p>20      Q. Okay. Any recollection as to</p> <p>21     why you're e-mailing Jimmie at 8:42 at night</p> <p>22     referencing a phone conversation?</p> <p>23      A. No, I don't recall what I was</p> <p>24     e-mailing at 8:42.</p> <p>25      Q. Did you typically work that</p>	<p>1       with the e-mail format?</p> <p>2       A. Just cleaner if it's on a</p> <p>3       spreadsheet.</p> <p>4       Q. Cleaner for whom?</p> <p>5       A. For the audience that's going</p> <p>6       to see it.</p> <p>7       Q. And who was going to see it?</p> <p>8       A. In this case it was myself.</p> <p>9       Q. So why did you want a cleaner</p> <p>10      spreadsheet?</p> <p>11      A. Just to be able to read it</p> <p>12      better.</p> <p>13      Q. What would you do with it?</p> <p>14      A. Forward it on.</p> <p>15      Q. Why would you receive it?</p> <p>16      A. Because I was asked to put the</p> <p>17      information together.</p> <p>18      Q. What information were you asked</p> <p>19     to put together?</p> <p>20      A. The 28 -- the oxy 30 that was</p> <p>21     being cut to 20.</p> <p>22      Q. Someone asked you to put that</p> <p>23     information together; is that your testimony?</p> <p>24      A. No, my testimony -- no. I was</p> <p>25     asked to tell them to do it, and they were</p>

Page 110	Page 112
<p>1 providing me the information, so then I would      2 forward it on. I was a funnel. And then --      3 so I'd asked him to put it in a spreadsheet.</p> <p>4 Q. Did you receive these reports      5 on a daily basis?</p> <p>6 A. I'm sorry, say that again?</p> <p>7 MR. BOWER: Can you just read      8 that back?</p> <p>9 (Court Reporter read back      10 question.)</p> <p>11 THE WITNESS: I did for a      12 period of time.</p> <p>13 QUESTIONS BY MR. BOWER:</p> <p>14 Q. For what time period?</p> <p>15 A. I don't know. I don't recall.</p> <p>16 Q. Approximately what time period?</p> <p>17 A. I don't -- I really don't know.</p> <p>18 Q. But certainly as of this date      19 you would have started receiving them,      20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Do you recall      23 approximately when you would have stopped      24 receiving them?</p> <p>25 A. No, it was -- I don't know.</p>	<p>1 A. I don't recall who did.</p> <p>2 Q. How'd you know where to send      3 them?</p> <p>4 A. I'm sure I was told at that      5 time, but I don't recall who did it.</p> <p>6 Q. And as you sit here today, you      7 have no understanding as to why you were      8 sending them to those two individuals; is      9 that correct?</p> <p>10 MS. FUMERTON: Objection.      11 Form.</p> <p>12 THE WITNESS: That's correct.</p> <p>13 QUESTIONS BY MR. BOWER:</p> <p>14 Q. So let's go back then to      15 Mr. Sherl's e-mail to yourself and Mr. Mullin      16 and then cc'ing Mr. Abernathy and Ms. Miller.      17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And that's on the morning of      20 July 23rd, right, 9:33 a.m.?</p> <p>21 MS. FUMERTON: I think we're      22 not caught up with you. He's      23 looking --</p> <p>24 MR. BOWER: Oh, sorry. The      25 first one, the first string in the</p>
Page 111	Page 113
<p>1 Q. A few months? A few years?</p> <p>2 Somewhere in the middle?</p> <p>3 A. No. If I'm guessing, it would      4 be less than a month.</p> <p>5 Q. Okay. Do you recall who -- why      6 you stopped receiving them?</p> <p>7 A. Because my portion of the work      8 was complete.</p> <p>9 Q. And what -- from your      10 perspective, what was your portion of the      11 work? What does that mean?</p> <p>12 A. So I was asked to get with      13 Reddwerks and put a threshold of 20, partner      14 with the DC to let them know to provide that      15 report, and then I would forward that on.      16 And then I asked him to put it in a      17 spreadsheet.</p> <p>18 Q. Then who -- you mentioned      19 before you were a funnel.</p> <p>20 Who would you send those      21 spreadsheets to?</p> <p>22 A. It looks like Susanne Hiland      23 or -- and Brandon Worth.</p> <p>24 Q. Who told you to send them to      25 those folks?</p>	<p>1 e-mail. Sorry about that.</p> <p>2 THE WITNESS: Okay. Yes.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. So I just have a couple of      5 questions on this.</p> <p>6 Why is Mr. Sherl sending this      7 information to you?</p> <p>8 Right? The e-mail is a      9 breakdown of the C-II orders, right?</p> <p>10 A. Yes.</p> <p>11 Q. Did you ask him to send that to      12 you?</p> <p>13 A. I don't recall if I did or      14 didn't.</p> <p>15 Q. Okay. So you see one of the      16 things he mentioned is Store 1935.      17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. It says Store 1935 in      20 Johnstown, PA, had two items over 20: oxy      21 30, 41 bottles.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And oxycodone ACL 15,      25 23 bottles.</p>

Page 114	Page 116
1        Do you see that?	1        Q. It could have happened; you
2        A. Yes.	2 just don't recall. Right?
3        Q. Okay. Was there -- do you	3        A. It could have happened; I don't
4 recall any discussion about monitoring C-II	4 recall.
5 orders for products other than oxy 30?	5        Q. In fact, it appears to be what
6        A. I don't recall.	6 Mr. Sherl is looking at, right, breakdown of
7        Q. Do you have any idea why	7 all C-II orders, correct?
8 Mr. Sherl is sending you this information?	8        That's what it says, right?
9        A. No.	9 "The following is a breakdown of these C-II
10      Q. Well, there's only -- he's	10 orders," right?
11 sending it to you and Mr. Mullin, right?	11      He's not limiting it to oxy 30,
12      A. Yes.	12 is he?
13      Q. All right. Walmart's got more	13      A. I don't know what he was -- I
14 than 4,000 pharmacies, right?	14 don't know what he put in here other than
15      A. Yes.	15 what's here.
16      Q. Lots of people involved at home	16      Q. Well, is this limited to oxy
17 office in this?	17 30?
18        MS. FUMERTON: Objection.	18      A. I don't know.
19        Form.	19      Q. Well, let's look at it, right?
20        QUESTIONS BY MR. BOWER:	20        Let's look at another store,
21        Q. Correct?	21 store 2555. You following me?
22        A. I don't know --	22        A. Yes.
23        Q. Well --	23        Q. Going halfway down, had two
24        A. -- who all was involved.	24 items over 20, right? One of which was oxy
25        Q. Well, why is he sending it to	25 30, right, and one of which was oxy 15.
Page 115	Page 117
1 you?	1        Do you see that?
2        MS. FUMERTON: Objection.	2        A. Yes.
3        Form. Asked and answered.	3        Q. So it appears here that he was
4        THE WITNESS: I don't recall.	4 looking at other C-II items other than oxy
5 I mean, other than I sent him the	5 30. Would you agree with that?
6 e-mail.	6        A. Yes.
7        QUESTIONS BY MR. BOWER:	7        Q. All right. So at some point
8        Q. Why are you informing Susanne	8 Walmart was concerned with any order of any
9 and Brandon which orders the DC cut?	9 C-II item over 20; is that correct?
10      A. I don't recall why. I -- I	10        MS. FUMERTON: Objection.
11 don't recall why.	11        Form.
12      Q. And this e-mail doesn't refresh	12        THE WITNESS: I don't know.
13 your recollection?	13        QUESTIONS BY MR. BOWER:
14      A. No, it does not.	14        Q. Well, it's what Mr. Sherl was
15      Q. You still don't recall anything	15 looking at here, isn't it?
16 about this; is that correct?	16        A. I don't know what he was
17      A. That's correct.	17 looking at other than he put stores and
18      Q. Okay. So do you know whether	18 quantities down for different products.
19 you also asked Reddwerks to change alerts for	19        Q. And he notes, for example, at
20 other C-II items?	20 the bottom, "interesting note on 2029."
21        MS. FUMERTON: Objection.	21        That references the store
22        Form.	22 number, right, 2029?
23        THE WITNESS: I don't recall if	23        MS. FUMERTON: 2929 or 2029?
24 I did.	24        QUESTIONS BY MR. BOWER:
25        QUESTIONS BY MR. BOWER:	25        Q. I'm sorry, 2929, the bottom of

Page 118	Page 120
<p>1 the last one there, the last bullet point.</p> <p>2 "Interesting note on 2929"?</p> <p>3 A. Okay. I see what you're</p> <p>4 saying.</p> <p>5 Q. He writes, "Interesting note on</p> <p>6 2929 is that their order number has increased</p> <p>7 every week for the month of July."</p> <p>8 Do you see that?</p> <p>9 A. I see that.</p> <p>10 Q. None of this concerned you at</p> <p>11 the time you received it; is that your</p> <p>12 testimony?</p> <p>13 A. I'm sorry, say that again?</p> <p>14 Q. Did any of this concern you at</p> <p>15 the time you received it?</p> <p>16 MS. FUMERTON: Objection.</p> <p>17 Form.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20 Q. Do you recall being concerned</p> <p>21 that store 2555, for example, was a high</p> <p>22 volume store, 495,000 for the month of June?</p> <p>23 A. Repeat your question?</p> <p>24 MR. BOWER: Can you just read</p> <p>25 it?</p>	<p>1 A. I believe so.</p> <p>2 Q. There's more than 4,000, right?</p> <p>3 A. I don't know how many there</p> <p>4 were at the time.</p> <p>5 Q. Approximately?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. So, again, you didn't</p> <p>8 have any concerns that one store might be in</p> <p>9 the top 25 for both products?</p> <p>10 A. It wasn't --</p> <p>11 Q. It wasn't part of your</p> <p>12 responsibilities, right?</p> <p>13 A. No.</p> <p>14 Q. So it didn't matter to you,</p> <p>15 right?</p> <p>16 MS. FUMERTON: Objection.</p> <p>17 Form.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Well, did it matter or not?</p> <p>20 MS. FUMERTON: Objection.</p> <p>21 Form.</p> <p>22 THE WITNESS: It was not part</p> <p>23 of my responsibility.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. Were you aware in July of 2012</p>
Page 119	Page 121
<p>1 (Court Reporter read back</p> <p>2 question.)</p> <p>3 THE WITNESS: So I don't know</p> <p>4 what the -- I don't know what 495</p> <p>5 references, if it's total -- total</p> <p>6 drugs or just a specific item.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8 Q. What do you mean by that?</p> <p>9 A. Because he's referencing a 405</p> <p>10 report.</p> <p>11 Q. Right.</p> <p>12 A. The 405 report, I don't know if</p> <p>13 the 405 report was multiple items or one</p> <p>14 specific item.</p> <p>15 Q. Well, his reference is June, SD</p> <p>16 405-1, number 25 in oxy 30 and number 16 in</p> <p>17 oxy 15, right?</p> <p>18 A. Right.</p> <p>19 Q. What does that mean?</p> <p>20 A. To just reading the note here</p> <p>21 is that it would be the number 25 store for</p> <p>22 oxy 30 and the number 16 store for oxy 15.</p> <p>23 Q. And that's the rank of the</p> <p>24 store out of all Walmart pharmacies in the</p> <p>25 entire country?</p>	<p>1 that oxycodone was creating an opioid</p> <p>2 epidemic in this country?</p> <p>3 MS. FUMERTON: Objection.</p> <p>4 Form.</p> <p>5 THE WITNESS: I was not aware.</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7 Q. Hadn't seen any news reports on</p> <p>8 it prior to this time period?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you recall attending</p> <p>11 meetings discussing these reports?</p> <p>12 A. No.</p> <p>13 Q. You don't recall attending a</p> <p>14 single meeting discussing these over 20</p> <p>15 reports? Is that your testimony?</p> <p>16 A. Yes, that's my testimony.</p> <p>17 Q. What's the reason you don't</p> <p>18 recall anything else about these reports?</p> <p>19 MS. FUMERTON: Objection.</p> <p>20 Form.</p> <p>21 MR. BOWER: I'll strike that.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. Do you recall anything else</p> <p>24 about these reports?</p> <p>25 A. No.</p>

Page 122	Page 124
<p>1 Q. Is there any reason for that?  2 MS. FUMERTON: Objection to  3 form.  4 THE WITNESS: No.  5 QUESTIONS BY MR. BOWER:  6 Q. What were your day-to-day  7 responsibilities in July of 2012?  8 A. System enhancements.  9 Q. Anything else?  10 A. Inventory management. Any  11 problems with systems that came up.  12 Q. Okay. Let's break those down a  13 bit more.  14 What specifically were you  15 doing for systems enhancement in July  16 of 2012?  17 A. Working on the CSOS.  18 Q. Anything else?  19 A. There was a project called  20 weight in motion and ORMD applicator.  21 Q. What is weight in motion?  22 MS. FUMERTON: Objection.  23 Form.  24 QUESTIONS BY MR. BOWER:  25 Q. Well, you referred to a project</p>	<p>1 that something different?  2 A. No, that was part of the system  3 enhancements.  4 Q. Okay. So what were you doing  5 for inventory management in July of 2012?  6 A. I don't recall if we had  7 installed a system called GRT into the DCs to  8 key in their -- their cycle counts of  9 inventory.  10 Q. So do you recall anything that  11 you actually were doing in inventory  12 management in 2012?  13 You said you don't recall  14 whether you were doing that.  15 A. I don't --  16 Q. Do you recall doing anything in  17 inventory management in July of 2012?  18 MS. FUMERTON: Objection.  19 Form. Misstates the testimony.  20 QUESTIONS BY MR. BOWER:  21 Q. I'll just ask it again.  22 What were you doing with  23 respect to inventory management in July  24 of 2012?  25 MS. FUMERTON: Objection.</p>
<p>1 called weight in motion. I'm just asking  2 you: What is it?  3 MS. FUMERTON: I think there  4 was a mistranslation.  5 MR. BOWER: Okay.  6 MS. FUMERTON: I'm sure she can  7 clarify.  8 MR. BOWER: Okay.  9 THE WITNESS: So weight in  10 motion?  11 QUESTIONS BY MR. BOWER:  12 Q. Weight in motion?  13 A. Weight.  14 Q. What is that project?  15 A. So that was the cubing of all  16 product, and then there was a tolerance that  17 we would set into the system. So let's say  18 that it was 2 pounds. So as the box was  19 order filled and came across the weights, it  20 would divert that to a nonshipping lane for  21 someone to go through and check every product  22 to see if there was a mispick or something  23 wasn't picked correctly.  24 Q. Was that in connection with  25 your duties in inventory management or is</p>	<p>1 Asked and answered.  2 THE WITNESS: I mean, I don't  3 know. I don't know if that project  4 was during that time as well. I -- I  5 don't know.  6 QUESTIONS BY MR. BOWER:  7 Q. Okay. What about -- you  8 mentioned also problem suppliers, I believe.  9 What were you doing with respect to that in  10 July of 2012?  11 A. I didn't say problems with  12 suppliers.  13 Q. Okay. So other than system  14 enhancement and inventory management, what  15 were your other duties and responsibilities  16 in July of 2012?  17 A. That was the majority of it.  18 Q. So what did you spend your days  19 doing? What was a typical day in July  20 of 2012?  21 A. Working on those projects.  22 Q. Working on --  23 A. CSOS and --  24 Q. Sorry.  25 A. -- weight in motion, ORMD</p>

Page 126	Page 128
<p>1 applicator.</p> <p>2 Q. Sorry, is it RMD applicator?</p> <p>3 A. ORMD.</p> <p>4 Q. Approximately what percentage</p> <p>5 of your time was spent on each of those three</p> <p>6 projects?</p> <p>7 A. Quite a bit of my time.</p> <p>8 Q. How much of your time was spent</p> <p>9 on CSOS?</p> <p>10 A. I would say that was about</p> <p>11 70 percent of my time.</p> <p>12 Q. That was a big project for you?</p> <p>13 A. It was a big project.</p> <p>14 Q. And how long did that project</p> <p>15 last?</p> <p>16 A. About two years.</p> <p>17 Q. Why did it take so long?</p> <p>18 A. Because of the system coding</p> <p>19 that had to occur, the integration that had</p> <p>20 to occur with multiple systems.</p> <p>21 Q. What systems did integration</p> <p>22 have to work with?</p> <p>23 A. I don't know all the systems,</p> <p>24 but I know some. I had to work with our</p> <p>25 mainframe system. I had to work with our --</p>	<p>1 can go.</p> <p>2 Q. What's the farthest you've</p> <p>3 gone?</p> <p>4 A. A year.</p> <p>5 Q. And what about purchase orders;</p> <p>6 how far back have you gone?</p> <p>7 A. 90 days.</p> <p>8 Q. Do you know whether the</p> <p>9 information on Teradata is backed up by</p> <p>10 Walmart?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you know who would know the</p> <p>13 answer to that question?</p> <p>14 A. I don't know.</p> <p>15 Q. None of your IT partners would</p> <p>16 know that?</p> <p>17 A. I don't know if they would or</p> <p>18 they wouldn't.</p> <p>19 MS. FUMERTON: Is this a good</p> <p>20 transition point? Because we've been</p> <p>21 going about an hour and 20 minutes</p> <p>22 now.</p> <p>23 MR. BOWER: Sure, we can take a</p> <p>24 break. I don't know what your</p> <p>25 schedule is, but if we keep taking</p>
<p style="text-align: center;">Page 127</p> <p>1 the store's ConnectSys system. Had to work</p> <p>2 with our EDI system. I had to partner with</p> <p>3 McKesson to send them files. So multiple,</p> <p>4 multiple applications there.</p> <p>5 Q. And before you mentioned -- I</p> <p>6 meant to follow up on and didn't -- a</p> <p>7 database called Teradata; is that correct?</p> <p>8 A. Uh-huh.</p> <p>9 Q. What information is available</p> <p>10 in Teradata?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 THE WITNESS: There's -- I know</p> <p>14 what I used it for. I know that</p> <p>15 there's other uses of it.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Okay. What did you use it for?</p> <p>18 A. To pull invoices, to look at</p> <p>19 purchase orders coming inbound to the DC.</p> <p>20 Q. Anything else that you used it</p> <p>21 for?</p> <p>22 A. No, that was all.</p> <p>23 Q. And how -- do you know how far</p> <p>24 back you could pull invoices from?</p> <p>25 A. I don't know how far back you</p>	<p style="text-align: center;">Page 129</p> <p>1 15-minute breaks an hour, we're not</p> <p>2 going to be done by 4, so...</p> <p>3 MS. FUMERTON: Well, it wasn't</p> <p>4 15 minutes last time, I checked. But</p> <p>5 in any event, we'll keep the breaks</p> <p>6 short, and we'll keep lunch short,</p> <p>7 too.</p> <p>8 MR. BOWER: Okay.</p> <p>9 VIDEOGRAPHER: Going off the</p> <p>10 record. It's 9:54 a.m.</p> <p>11 (Off the record at 9:54 a.m.)</p> <p>12 VIDEOGRAPHER: We're back on</p> <p>13 the record at 10:07 a.m.</p> <p>14 (Walmart-Sullins Exhibit 4</p> <p>15 marked for identification.)</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Okay. Ms. Sullins, we're back</p> <p>18 on the record.</p> <p>19 Let me hand you what's been</p> <p>20 marked as Exhibit 4. This is an e-mail from</p> <p>21 Theresa Alford to Tim Harris and yourself on</p> <p>22 July 26th. Take a moment to review it.</p> <p>23 And this is only a few days</p> <p>24 after the Exhibit 3 that we just looked at.</p> <p>25 A. Okay. Okay.</p>

Page 130	Page 132
<p>1 Q. Okay. This e-mail you received      2 approximately three days prior to the last      3 e-mail, correct, Exhibit 3?</p> <p>4 MS. FUMERTON: Three days      5 after?</p> <p>6 MR. BOWER: What's that?</p> <p>7 THE WITNESS: After?</p> <p>8 QUESTIONS BY MR. BOWER:</p> <p>9 Q. Three days after, right?</p> <p>10 MS. FUMERTON: Yeah, you said      11 prior.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. Oh, sorry.</p> <p>14 Exhibit 3 is was three days      15 prior to this, right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. This is another e-mail      18 about the oxy 30 orders, right?</p> <p>19 A. I think it's an e-mail with      20 multiple changes.</p> <p>21 Q. Okay. Let's go through those      22 changes.</p> <p>23 What changes do you see?</p> <p>24 A. It says, "market director MD      25 review and follow-up on all C-II exceptions.</p>	<p>1 bullet point above that says, "implementation      2 of C-II order exception review."</p> <p>3 Do you see that?</p> <p>4 A. I do see that, yeah.</p> <p>5 Q. And under that it has two      6 things, right? "Blocks orders of more 20      7 bottles of oxy 30," right?</p> <p>8 A. Yes.</p> <p>9 Q. And "alerts AP of all      10 pharmacies ordering more than 20 bottles of      11 any item for follow-up," right?</p> <p>12 A. Yes.</p> <p>13 Q. So those are the two things for      14 the C-II order exception review, right?</p> <p>15 A. Yes.</p> <p>16 Q. And then the MD is to review      17 and follow up on those two things?</p> <p>18 A. Yes.</p> <p>19 Q. All right. And was it your      20 role -- strike that.</p> <p>21 Was your only role in this      22 process to create that capability within      23 Reddwerks?</p> <p>24 A. I didn't create this. I      25 created -- I helped with the threshold</p>
<p>1 Revision" --</p> <p>2 Q. So I just wanted -- for the      3 record, you're looking at the second bullet      4 point in the e-mail from Ms. Hiland?</p> <p>5 A. Yes.</p> <p>6 Q. And it says, "MD review and      7 follow up on all C-II order exceptions,"      8 right?</p> <p>9 A. Yes.</p> <p>10 Q. And "cc to practice compliance      11 regional and divisional," right?</p> <p>12 A. Yes.</p> <p>13 Q. What does MD refer to?</p> <p>14 A. Market director.</p> <p>15 Q. Do you know who held this      16 position at that time?</p> <p>17 A. There would have been multiple      18 market directors.</p> <p>19 Q. Okay. Who would they have      20 been; do you know?</p> <p>21 A. I don't know.</p> <p>22 Q. And what is -- do you see it      23 mentions a C-II order exception?</p> <p>24 What does that refer to?</p> <p>25 And I'll just note that the</p>	<p>1 process.</p> <p>2 Q. Right.</p> <p>3 And was one of the processes      4 you helped with the blocking orders of more      5 than 20 bottles of oxy 30? Right?</p> <p>6 A. Yes. When I sent the e-mail.</p> <p>7 Q. Right.</p> <p>8 And was one of the other things      9 that you or someone on your team did was      10 alert AP of all pharmacies ordering more than      11 20 bottles of any item for follow-up?</p> <p>12 A. AP was at the DC.</p> <p>13 Q. Okay. So was there a system      14 put in place to alert the AP of all      15 pharmacies ordering more than 20 bottles of      16 any item for follow-up?</p> <p>17 A. So I don't understand the      18 question, because AP is at the DC.</p> <p>19 Q. Okay. So are you saying the DC      20 itself was supposed to review any item over      21 20 --</p> <p>22 A. Correct.</p> <p>23 Q. -- without -- let me just --</p> <p>24 I'll strike that and I'll ask -- I'll strike      25 that. I should have -- I paused, and that's</p>

Page 134	Page 136
<p>1 my fault.</p> <p>2 So is it your testimony that</p> <p>3 the DC itself was to perform this review of</p> <p>4 orders more than 20 bottles outside of the</p> <p>5 Reddwerks system?</p> <p>6 A. So the way that I read this is</p> <p>7 that AP -- that there was a report being</p> <p>8 initiated by the asset protection department,</p> <p>9 or the manager, so he was alerting all the</p> <p>10 other AP associates.</p> <p>11 I don't know. I mean, that's</p> <p>12 how I read this.</p> <p>13 Q. Okay. And so those alerts were</p> <p>14 occurring, but it didn't require you to</p> <p>15 change anything in Reddwerks; is that</p> <p>16 correct?</p> <p>17 A. I don't know if I did or</p> <p>18 didn't.</p> <p>19 Q. Okay. Could you have created</p> <p>20 an alert in Reddwerks for orders over 20 for</p> <p>21 other C-II items?</p> <p>22 A. I would have had to send an</p> <p>23 e-mail to Reddwerks support.</p> <p>24 Q. Right.</p> <p>25 But you could have done that if</p>	<p>1 Mr. Harris and yourself.</p> <p>2 The first question on that</p> <p>3 e-mail is, was Mr. Harris your boss at the</p> <p>4 time?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And do you know who he</p> <p>7 reported to during this time period?</p> <p>8 A. I think it was David Wright.</p> <p>9 Dave Wright.</p> <p>10 Q. Okay. And did you report to</p> <p>11 anyone else other than Mr. Harris?</p> <p>12 A. No.</p> <p>13 Q. He notes in his e-mail to --</p> <p>14 sorry. Ms. Alford notes in her e-mail to</p> <p>15 Mr. Harris and yourself that "the DC will</p> <p>16 continue to cut any order over 20 for oxy 30.</p> <p>17 If a web form or emergency order that is</p> <p>18 called for in this item is over 20, the DC</p> <p>19 will also cut. The DC will forward that</p> <p>20 information to us, and we will inform the</p> <p>21 teams involved at the home office."</p> <p>22 Do you see that?</p> <p>23 A. I see that.</p> <p>24 Q. Okay. Were you involved in</p> <p>25 that process personally?</p>
<p>1 it was requested, right?</p> <p>2 A. Yes, I could have done that.</p> <p>3 Q. Reddwerks had the capability to</p> <p>4 do that, correct?</p> <p>5 A. They were the only ones.</p> <p>6 Q. And the e-mail that's forwarded</p> <p>7 to you that's written by Ms. Hiland, she</p> <p>8 writes, "For our call this afternoon: The</p> <p>9 outline of the program."</p> <p>10 Do you know what program she's</p> <p>11 referring to?</p> <p>12 A. No.</p> <p>13 Q. Do you know whether it's</p> <p>14 Walmart's suspicious order monitoring</p> <p>15 program?</p> <p>16 A. I don't know.</p> <p>17 Q. Did you attend this meeting?</p> <p>18 A. I don't recall.</p> <p>19 Q. You could have attended it; you</p> <p>20 just don't recall. Is that correct?</p> <p>21 A. I don't recall attending it.</p> <p>22 Q. Okay. If you see Theresa -- is</p> <p>23 it Alford? Alford?</p> <p>24 A. Alford.</p> <p>25 Q. -- Alford's e-mail to</p>	<p>1 Page 135</p> <p>1 A. I don't recall.</p> <p>2 Q. Well, there's only three people</p> <p>3 on this e-mail, right?</p> <p>4 A. Right.</p> <p>5 Q. Right.</p> <p>6 Do you recall involving people</p> <p>7 at the home office in this process?</p> <p>8 A. No.</p> <p>9 Q. Do you recall the DC forwarding</p> <p>10 any of this information to you?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 THE WITNESS: I don't.</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. It could be that Walmart never</p> <p>16 implemented this process, right?</p> <p>17 MS. FUMERTON: Objection.</p> <p>18 Form.</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20 Q. You don't know one way or the</p> <p>21 other; isn't that correct?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 MR. BOWER: I'll strike it.</p> <p>25</p>

Page 138	Page 140
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Do you know whether Walmart</p> <p>3 ever implemented the process outlined here?</p> <p>4 A. I don't know.</p> <p>5 Q. It could be possible they never</p> <p>6 actually implemented this process, right?</p> <p>7 MS. FUMERTON: Objection.</p> <p>8 Form.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. You don't recall making the</p> <p>12 change in Reddwerks other than the oxy 30</p> <p>13 reports, right?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form.</p> <p>16 THE WITNESS: I don't recall.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. You don't recall making that</p> <p>19 change at Reddwerks, right?</p> <p>20 MS. FUMERTON: Objection.</p> <p>21 Form.</p> <p>22 THE WITNESS: I don't recall.</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. Could be that change was never</p> <p>25 made, right?</p>	<p>1 order access and review."</p> <p>2 Do you see that?</p> <p>3 A. I see that.</p> <p>4 Q. And then the second bullet</p> <p>5 point says, "Alert AP all pharmacies ordering</p> <p>6 more than 20 bottles," right?</p> <p>7 A. Yes.</p> <p>8 Q. And this was to be part of the</p> <p>9 program as reflected in Ms. Hiland's e-mail,</p> <p>10 right?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 THE WITNESS: Ask your</p> <p>14 question.</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. That's what Ms. Hiland writes,</p> <p>17 right? "The outline of the program and</p> <p>18 changes include," right?</p> <p>19 A. That's what she writes, yes.</p> <p>20 Q. So these were part of the</p> <p>21 program, right?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. According to Ms. Hiland, on</p>
Page 139	Page 141
<p>1 MS. FUMERTON: Objection.</p> <p>2 Form.</p> <p>3 THE WITNESS: I don't recall.</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. Okay. Could be that Walmart</p> <p>6 outlined a process here they never actually</p> <p>7 implemented; isn't that correct?</p> <p>8 MS. FUMERTON: Objection.</p> <p>9 Form.</p> <p>10 THE WITNESS: I don't know.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. And you don't know one way or</p> <p>13 the other, right?</p> <p>14 A. Right.</p> <p>15 Q. It appears to me here that</p> <p>16 Walmart is designing a process where AP of</p> <p>17 all pharmacy ordering -- where alerts are</p> <p>18 created, right, for AP of all pharmacies</p> <p>19 ordering more than 20 bottles, right? That's</p> <p>20 the intention here?</p> <p>21 MS. FUMERTON: Objection.</p> <p>22 Form.</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. Well, that's what it says,</p> <p>25 right? It says, "Implementation of C-II</p>	<p>1 Wednesday, July 25, 2012, these bullet points</p> <p>2 were intended to be part of the program,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. But we don't know whether</p> <p>6 Walmart ever instituted that program, do we?</p> <p>7 MS. FUMERTON: Objection.</p> <p>8 Form.</p> <p>9 THE WITNESS: I was not privy</p> <p>10 to that, so...</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. Do you have knowledge or</p> <p>13 recollection of ever asking Reddwerks to</p> <p>14 create an alert for an order of more than</p> <p>15 20 bottles of C-II items?</p> <p>16 MS. FUMERTON: Objection.</p> <p>17 Form.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20 Q. And you would have been the</p> <p>21 person at Walmart with that responsibility,</p> <p>22 correct?</p> <p>23 A. Anybody could have e-mailed</p> <p>24 that support hotline.</p> <p>25 Q. Well, I thought you testified</p>

Page 142	Page 144
<p>1 before that you were the contact for that      2 support; isn't that correct?      3 MS. FUMERTON: Objection.      4 Form.      5 QUESTIONS BY MR. BOWER:      6 Q. I'll strike that.      7 Who was the contact at Walmart      8 with Reddwerks?      9 MS. FUMERTON: Objection.      10 Form.      11 THE WITNESS: So for system      12 enhancements, I was.      13 QUESTIONS BY MR. BOWER:      14 Q. Okay. So --      15 A. But the DCs could directly call      16 or send an e-mail to that support line.      17 Q. Do you know whether they ever      18 did?      19 A. I don't know.      20 Q. Is that information -- strike      21 that.      22 If a DC had done that, someone      23 at the DC had done that, would you have been      24 notified of the change?      25 A. No.</p>	<p>1 QUESTIONS BY MR. BOWER:      2 Q. My question is: Did anyone at      3 Walmart have that responsibility, or was it      4 simply anyone could do it?      5 MS. FUMERTON: Objection.      6 Form.      7 THE WITNESS: I don't know.      8 QUESTIONS BY MR. BOWER:      9 Q. Right.      10 You asked -- you asked      11 Reddwerks to create the oxy 30 alert, right?      12 A. I don't know if I did or      13 didn't.      14 Q. Well, let's go back to      15 Exhibit 2.      16 A. Okay.      17 Q. Okay? Because I think we      18 covered this, but I guess we have to go over      19 it again.      20 A. Okay.      21 Q. Okay?      22 Exhibit 2 is an e-mail from      23 yourself to the DC team, right?      24 A. Yes.      25 Q. And in that e-mail you state,</p>
<p>1 Q. Who would have been notified of      2 that change?      3 MS. FUMERTON: Objection.      4 Form.      5 THE WITNESS: I don't know.      6 QUESTIONS BY MR. BOWER:      7 Q. And how would someone at the DC      8 have known who to e-mail?      9 A. Because when they had system      10 issues, they would e-mail that same.      11 Q. And what kind of system issues      12 would they have?      13 A. If the server was down where      14 the orders would come in at, the lights      15 didn't work, that's typically what they would      16 see.      17 Q. So is it your testimony that      18 anyone at the DC had the capability to e-mail      19 or contact Reddwerks to change an order      20 threshold alert?      21 MS. FUMERTON: Objection.      22 Form.      23 THE WITNESS: I don't know if      24 they did or didn't. I know that they      25 had access to that e-mail.</p>	<p>1 "I will be sending Reddwerks an e-mail to      2 make the appropriate change to the order      3 level alert parameter screen."      4 Do you see that?      5 A. Yes.      6 Q. And why did you do that?      7 A. Because I was asked to.      8 Q. Why didn't Mr. Harris do it?      9 MS. FUMERTON: Objection.      10 Form.      11 THE WITNESS: I don't know.      12 QUESTIONS BY MR. BOWER:      13 Q. He asked you to do it, right?      14 A. Yes.      15 Q. Right?      16 Why didn't Mr. Sherl do it?      17 A. I don't know.      18 Q. Could Mr. Sherl have done it?      19 A. He could have.      20 Q. So Walmart would have allowed      21 Mr. Sherl or anyone else at the DC to contact      22 Reddwerks directly to change order      23 thresholds?      24 MS. FUMERTON: Objection.      25 Form.</p>

Page 146	Page 148
<p>1           THE WITNESS: Yes.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3     Q. Did Walmart have any policies</p> <p>4 and procedures preventing any of its</p> <p>5 associates or any of its employees from</p> <p>6 contacting Reddwerks directly to change order</p> <p>7 thresholds?</p> <p>8        MS. FUMERTON: Objection.</p> <p>9        Form.</p> <p>10      QUESTIONS BY MR. BOWER:</p> <p>11     Q. I'll strike that.</p> <p>12       Are you aware of any policies</p> <p>13 and procedures at Walmart that would prevent</p> <p>14 anyone from contacting Reddwerks directly to</p> <p>15 change order thresholds for C-II items?</p> <p>16        MS. FUMERTON: Objection.</p> <p>17        Form.</p> <p>18        THE WITNESS: I'm not -- I'm</p> <p>19 not aware of any policies or</p> <p>20 procedures for that specific...</p> <p>21      QUESTIONS BY MR. BOWER:</p> <p>22     Q. So to the best of your</p> <p>23 knowledge then, anyone could have e-mailed</p> <p>24 Reddwerks to change any thresholds for C-II</p> <p>25 items at any time, right?</p>	<p>1           Form.</p> <p>2           THE WITNESS: No.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4     Q. In your dealings with</p> <p>5 Reddwerks, did you ever discuss with them</p> <p>6 that other folks shouldn't be able to change</p> <p>7 the thresholds for C-II items?</p> <p>8        MS. FUMERTON: Objection.</p> <p>9        Form.</p> <p>10       THE WITNESS: I don't recall</p> <p>11 that.</p> <p>12      QUESTIONS BY MR. BOWER:</p> <p>13     Q. So if an hourly associate at DC</p> <p>14 6045 e-mailed Reddwerks to change a C-II</p> <p>15 threshold, nothing would have prevented that,</p> <p>16 correct?</p> <p>17        MS. FUMERTON: Objection.</p> <p>18        Form. Misstates prior testimony.</p> <p>19      QUESTIONS BY MR. BOWER:</p> <p>20     Q. I'll strike that.</p> <p>21       Would anything have prevented</p> <p>22 an hourly associate at DC 6045 from e-mailing</p> <p>23 Reddwerks and changing a threshold for a C-II</p> <p>24 item?</p> <p>25        A. They could have e-mailed, but</p>
<p>1           MS. FUMERTON: Objection.</p> <p>2        Form.</p> <p>3        THE WITNESS: They would have</p> <p>4 been a member of management, yes.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6     Q. How do you know it would have</p> <p>7 been a member of management?</p> <p>8     A. They would be the ones that</p> <p>9 would e-mail Reddwerks if the system was</p> <p>10 down.</p> <p>11    Q. Well, what about the change of</p> <p>12 order threshold? Couldn't anyone e-mail</p> <p>13 Reddwerks?</p> <p>14    A. Not that I'm aware of.</p> <p>15    Q. What would be preventing them</p> <p>16 from doing so?</p> <p>17    MS. FUMERTON: Objection.</p> <p>18       Form.</p> <p>19        THE WITNESS: I don't know.</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21    Q. Was there anything that you're</p> <p>22 aware of at Walmart that would prevent anyone</p> <p>23 from e-mailing Reddwerks to change an order</p> <p>24 threshold for a C-II item?</p> <p>25        MS. FUMERTON: Objection.</p>	<p>1       it wouldn't necessarily mean that they would</p> <p>2 have done it.</p> <p>3     Q. And who wouldn't have done it?</p> <p>4     A. Reddwerks.</p> <p>5     Q. Why not?</p> <p>6     A. Because if it wasn't a contact</p> <p>7 that they were familiar with, they wouldn't</p> <p>8 have done it.</p> <p>9     Q. And why not?</p> <p>10    A. I don't know.</p> <p>11    Q. And how do you know that?</p> <p>12    A. Just the relationship I had</p> <p>13 with them.</p> <p>14    Q. So based on your relationship</p> <p>15 with Reddwerks, they wouldn't have changed an</p> <p>16 order threshold for a C-II item if it didn't</p> <p>17 come from someone they were familiar with; is</p> <p>18 that correct?</p> <p>19    A. That's correct.</p> <p>20    Q. And who were they familiar with</p> <p>21 other than yourself?</p> <p>22    A. Some of the DC managers.</p> <p>23    Q. And who were those?</p> <p>24    A. Jimmie, Jeff, Stephanie, Arlin,</p> <p>25    Shawn. I'm trying to think of others in the</p>

<p style="text-align: right;">Page 150</p> <p>1 other buildings. Some of the managers that 2 were already left, Jan.</p> <p>3 Q. And all of these folks had the 4 ability to e-mail Reddwerks directly to 5 change a C-II threshold; is that your 6 testimony?</p> <p>7 MS. FUMERTON: Objection. 8 Form.</p> <p>9 THE WITNESS: Not a C-II.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. Okay. Who were the folks that 12 would have been capable of changing a C-II 13 threshold?</p> <p>14 A. Jimmie and Jeff, that 15 management staff there.</p> <p>16 Q. Anyone other than Jimmie and 17 Jeff?</p> <p>18 A. Whoever else was there. Mike.</p> <p>19 Q. Anyone else?</p> <p>20 A. Not that I can think of.</p> <p>21 Q. So if Jimmie or Jeff or Mike or 22 yourself never e-mailed Reddwerks to create 23 the order alerts for more than 20 bottles of 24 a C-II, was it done?</p> <p>25 MS. FUMERTON: Objection.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. And Walmart had nothing to 2 prevent that; is that correct?</p> <p>3 Walmart had no policies in 4 place to prevent such an action, correct?</p> <p>5 MS. FUMERTON: Objection. 6 Form.</p> <p>7 THE WITNESS: I don't recall 8 that we had a policy for that.</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. Do you have any reason as you 11 sit here today to expect that even though you 12 were the one to create the oxy 30 alert, it 13 would have been someone else to do the over 14 20 alert?</p> <p>15 MS. FUMERTON: Objection. 16 Form.</p> <p>17 THE WITNESS: Ask your question 18 again?</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20 Q. Sure, I'll rephrase.</p> <p>21 Going back to Exhibit 4, right, 22 we see "alert AP of all pharmacies ordering 23 more than 20 bottles," right --</p> <p>24 A. Yes.</p> <p>25 Q. -- going back to that bullet</p>
<p style="text-align: right;">Page 151</p> <p>1 Form.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3 Q. I want you to assume that 4 neither you, Jimmie, Jeff or Mike asked 5 Reddwerks to create those alerts for C-II 6 items of over 20.</p> <p>7 Okay?</p> <p>8 A. You want me to assume that?</p> <p>9 Q. Yes. Because we don't have any 10 records that that occurred.</p> <p>11 So that should be your 12 assumption. Okay?</p> <p>13 MS. FUMERTON: Objection.</p> <p>14 Form. And I object to the --</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. You can answer.</p> <p>17 MS. FUMERTON: -- testimony of 18 counsel.</p> <p>19 THE WITNESS: No. No, they 20 could have called as well.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. So is it your testimony that 23 Mr. Sherl could have called Reddwerks to 24 change an order alert for a C-II item?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 153</p> <p>1 point?</p> <p>2 I'm just trying to understand, 3 based on your experience and your 4 relationship with Reddwerks, whether that 5 alert was ever created.</p> <p>6 A. For all others?</p> <p>7 Q. Yes.</p> <p>8 This is in relation to the 9 implementation of the C-II order exception 10 review, right? This is for C-II items, 11 right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So I'm just trying to 14 understand, based on your relationship with 15 Reddwerks and the fact that you are the one 16 who notified them of the oxy 30 threshold, 17 was the alert for more than 20 bottles ever 18 created in Reddwerks?</p> <p>19 MS. FUMERTON: Objection. 20 Form.</p> <p>21 THE WITNESS: For the oxy 30?</p> <p>22 Yes.</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. No, for the other C-II items.</p> <p>25 A. I don't know.</p>

Page 154	Page 156
<p>1       Q. And if you don't know, who      2 would know the answer to that question?      3       A. I don't know.      4       Q. Did you ever attend any      5 meetings with the DEA?      6       A. I've attended when they've come      7 to the D -- some DCs if I were -- if I was      8 already there.      9       Q. Did you ever attend any      10 meetings where the abuse of oxy was      11 discussed?      12      A. No.      13      Q. Did you ever attend any      14 meetings where the abuse of opioids was      15 discussed?      16      A. No.      17      Q. Did you ever attend any      18 meetings where diversion of opioid products      19 was discussed?      20      A. No.      21      Q. Are you involved in any way      22 with any NACDS?      23      A. I attended some NACDS      24 conferences for serialization.      25      Q. And what is serialization?</p>	<p>1 where a specific bottle has been in order to      2 move it to.      3       Q. Other than this work on      4 serialization, have you been on other      5 communications with NACDS?      6       A. No, just serialization.      7       Q. When did you start being      8 included on NACDS communications?      9       A. For serialization, I believe      10 it's like 2010.      11      Q. My question isn't limited to      12 serialization. So I'm just asking more      13 generally: When did you start being included      14 on any NACDS communications?      15      A. 2010. I don't know.      16      Q. And is it your testimony that      17 every communication you've been a part of      18 with NACDS relates to serialization issue?      19      A. Yes.      20      Q. What is KNAPP, K-N-A-P-P?      21      A. KNAPP. It's an order-filling      22 system.      23      Q. Did Walmart ever use that      24 system?      25      A. Yes.</p>
Page 155	Page 157
<p>1       A. So it's the track and trace of      2 product, pharmaceutical products.      3       Q. What do you mean by track and      4 trace? What does that mean?      5       A. So it's -- it's a law that was      6 passed in 2013, and it's called a Drug Supply      7 Chain Security Act. It's an iterated law, so      8 the first phase of that law is to track      9 product from the manufacturer. So once it's      10 introduced into commerce, the manufacturers      11 have a responsibility to provide transaction      12 history, transaction data -- or excuse me,      13 transaction information and transaction      14 statement.      15       So the first phase was rolled      16 out in 2015, and then there's other deadlines      17 that have to be met. So in 2018 they have to      18 affix a 2D barcode to product, and in 2019      19 they -- wholesalers can only accept product      20 that is -- they have an invoice for.      21       And then in 2020, the      22 pharmacies can only accept product that has      23 the 2D barcode affixed to it. And then in      24 2023 they do full-blown serialization, which      25 is you have to be able to have -- to know</p>	<p>1       Q. When did it begin using that      2 system?      3       A. So it was before my time that I      4 came to the team. Then I believe it was      5 installed at warehouse 6001 in 2004, 2005.      6       Q. Was it only installed at that      7 warehouse?      8       A. Yes.      9       Q. Is there any -- based on your      10 experience, is there any reason why it was      11 only used at that warehouse?      12      A. I have no idea.      13      Q. Do you know whether it ever      14 stopped being used at that warehouse?      15      A. It's still being used.      16      Q. So is it in addition to the      17 Reddwerks system?      18      A. Yes.      19      Q. Can you just describe very      20 generally, to the best of your knowledge, how      21 that KNAPP system differs from Reddwerks?      22      A. It's an A-frame base system.      23      Q. And what do you mean by that?      24      A. So they have channels where      25 they put the product into. Then as an order</p>

<p style="text-align: right;">Page 158</p> <p>1 is scanned -- so the box has a barcode with      2 store order -- with the store number. So as      3 it scans it, it dispenses -- kind of like a      4 Pez dispenser, upside down -- dispenses that      5 product onto a belt. So each store has like      6 six feet of that belt, and then it takes it      7 and puts it into the box.</p> <p>8 Q. And that system was never in      9 place at 6045; is that correct?</p> <p>10 A. That's correct.</p> <p>11 (Walmart-Sullins Exhibit 5      12 marked for identification.)</p> <p>13 QUESTIONS BY MR. BOWER:</p> <p>14 Q. Okay. You've been handed      15 what's marked as Exhibit 5, which is another      16 e-mail regarding at least in part the C-II      17 item level alerts. This is a few days after      18 Exhibit 4.</p> <p>19 Just take a moment -- it's just      20 a one-page e-mail -- and let me know when      21 you've finished reviewing it.</p> <p>22 A. Okay. Okay.</p> <p>23 Q. Okay. Who is Bryan Boudreaux?</p> <p>24 A. Boudreaux?</p> <p>25 A. Boudreaux?</p>	<p style="text-align: right;">Page 160</p> <p>1 QUESTIONS BY MR. BOWER:      2 Q. Uh-huh.      3 A. So there would be others that      4 would be involved.      5 Q. Who else would be involved?      6 MS. FUMERTON: Objection.      7 Form.</p> <p>8 THE WITNESS: In the recap?</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. No, in the health and wellness      11 network. I'm just trying to understand what      12 that means.</p> <p>13 A. So it's the distribution      14 centers plus the optical center.</p> <p>15 Q. Okay. So why are you included      16 on this e-mail?</p> <p>17 A. Because it's a recap of the      18 week, of what was done.</p> <p>19 Q. But why are you included on it?</p> <p>20 A. Because I'm part of that team.</p> <p>21 Q. Part of the health and wellness      22 team?</p> <p>23 A. Yes.</p> <p>24 Q. And what was your role on that      25 team?</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. Boudreaux?</p> <p>2 A. He's the -- he was Tim's boss.</p> <p>3 Q. Okay.</p> <p>4 A. He's the VP.</p> <p>5 Q. And he writes to Bryan, "Here's      6 is the weekly recap to the health and      7 wellness network."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. What does that refer to, the      11 health and wellness network?</p> <p>12 A. So it's all the distribution      13 centers.</p> <p>14 Q. And only included on here      15 are -- the e-mail from Nick are Mr. Harris,      16 Mr. Boudreaux, yourself and Karla Hayes, and      17 then cc Theresa Alford, correct?</p> <p>18 A. Yes.</p> <p>19 Q. So other than the folks on this      20 e-mail, was there anyone involved in the      21 health and wellness network?</p> <p>22 MS. FUMERTON: Objection.      23 Form.</p> <p>24 THE WITNESS: So this is a      25 recap of the week.</p>	<p style="text-align: right;">Page 161</p> <p>1 A. So it was -- I'm a senior      2 manager on the health and wellness logistics      3 team.</p> <p>4 Q. Okay. So what role did you      5 play?</p> <p>6 A. What was --</p> <p>7 Q. During this time period,      8 July 2012.</p> <p>9 A. I was a senior manager on the      10 health and wellness logistics team.</p> <p>11 Q. Okay.</p> <p>12 A. So I had system enhancements      13 responsibility and day-to-day      14 responsibilities.</p> <p>15 Q. Other than system enhancements,      16 what were your day-to-day responsibilities?</p> <p>17 A. Just questions that came up      18 such as, this purchase order is canceled; can      19 you help fix it? We're having an issue with      20 this screen; can you take a look at it?      21 Those -- that was some of the stuff I did. I      22 did other system projects.</p> <p>23 Q. What about the project here      24 noted at bullet point 2 where it says, "DC      25 6045, C-II, continues to work on a solution</p>

Page 162	Page 164
<p>1 for the C-II item alerts that can be --      2 can/could be requested by the DEA."      3 Did you work on that solution?      4 A. No.      5 Q. Who worked on that solution?      6 A. I don't know.      7 Q. Well, there's only a few folks      8 here, right?      9 I'm trying to understand some      10 facts about how Walmart worked. Okay?      11 So is it your testimony that      12 you don't know who would have worked on that      13 solution?      14 A. That is my testimony. I don't      15 know who would have worked on it.      16 Q. But it wasn't you?      17 A. No, it was not me.      18 Q. Was it Mr. Harris?      19 A. I don't know.      20 Q. Other than you, who worked on      21 system enhancements?      22 A. So I would partner with other      23 ISD people.      24 Q. Okay. Let me rephrase the      25 question.</p>	<p>1 to Reddwerks system that you had a major role      2 in choosing and implementing. Isn't that      3 correct?      4 MS. FUMERTON: Objection.      5 Form.      6 THE WITNESS: So the initial      7 portion of that, yes. The rollout of      8 the threshold files and then the      9 enhancement to that, yes, that would      10 have been me.      11 But I don't know what this      12 is -- this isn't -- I don't know what      13 this is referring to.      14 QUESTIONS BY MR. BOWER:      15 Q. Well, it says what it's      16 referring to, doesn't it? It says, "DC 6045,      17 C-II, continues to work on a solution for the      18 C-II item level alerts," right?      19 A. Right.      20 Q. That refers to the oxy 30      21 alert, right?      22 MS. FUMERTON: Objection.      23 Form. Lack of foundation.      24 QUESTIONS BY MR. BOWER:      25 Q. Well, do you know whether that</p>
<p style="text-align: center;">Page 163</p> <p>1 Other than you, who within the      2 health and wellness network would work on      3 system enhancements?      4 A. So I did the logistics. There      5 was a different team that did the stores.      6 Q. What do you mean by      7 "logistics"? Are you referring to the --      8 A. Just the distribution centers.      9 Q. The distribution centers?      10 A. Yes.      11 Q. All right. So it appears here      12 that distribution center 6045 is working on a      13 solution to level alerts.      14 I understand that wasn't you?      15 A. That was not me.      16 Q. Why would that not have been      17 you? Wouldn't that have been your core      18 responsibility?      19 MS. FUMERTON: Objection.      20 Form.      21 THE WITNESS: I don't know what      22 this is referring to because it's not      23 a system.      24 QUESTIONS BY MR. BOWER:      25 Q. I thought level alerts refers</p>	<p style="text-align: center;">Page 165</p> <p>1 refers to the oxy 30 alerts that you helped      2 create?      3 A. I don't know if it's referring      4 to that.      5 Q. Well, who would know?      6 If you were the person at the      7 health and wellness who was responsible for      8 system enhancements and you don't know, who      9 would?      10 MS. FUMERTON: Objection.      11 Form.      12 THE WITNESS: I mean, I don't      13 know. I mean, it could have been      14 anybody that's on this or somebody      15 that was on this that was working with      16 somebody else. I don't know.      17 QUESTIONS BY MR. BOWER:      18 Q. Who would know the answer to      19 that question?      20 MS. FUMERTON: Objection.      21 Form. Asked and answered.      22 THE WITNESS: I don't know.      23 QUESTIONS BY MR. BOWER:      24 Q. The next sentence in that      25 bullet point says, "Any unusual orders on oxy</p>

Page 166	Page 168
<p>1 items are being elevated to the home      2 office/regulatory affairs/store operations      3 and H and W diversion team."      4       Do you see that?      5       A. Yes.      6       Q. Do you know what that refers      7 to?      8       A. No. I mean, I'd be speculating      9 what that refers to.      10      Q. Well, what is your -- based on      11 your experience working at Walmart in the      12 systems operations for ten-plus years, what      13 would be your guess?      14      A. That would have been the report      15 that he was putting together.      16      Q. The over 20 report for C-II,      17 right?      18      A. Correct.      19      Q. I'm not trying to play -- I'm      20 just trying to get some information. Okay?      21           So do you know -- so we talked      22 about folks at the home office who might have      23 received those reports, right?      24      A. (Witness nods head.)      25      Q. Are you familiar with anyone at</p>	<p>1       A. Correct.      2       Q. You were a member of the health      3 and wellness team, right?      4           MS. FUMERTON: Objection.      5           Form.      6           THE WITNESS: Not -- only in      7 logistics.      8 QUESTIONS BY MR. BOWER:      9       Q. Okay. Do you know who during      10 this time period was on the health and      11 wellness diversion team?      12      A. I believe Greg Beam was.      13      Q. Did you ever work with Greg?      14      A. He was the individual that sent      15 that note to Tim.      16      Q. Right.      17           So, yes, you've worked with      18 Greg on occasion; is that correct?      19      A. Yes.      20      Q. Other than the note we've      21 already saw, do you have any recollection --      22 or we saw today, do you have any recollection      23 of working with Greg?      24      A. Yes.      25      Q. And what did you work with him</p>
<p style="text-align: center;">Page 167</p> <p>1 regulatory affairs who would have received      2 those reports?      3       A. I believe Susanne Hilander      4 {sic} was in regulatory compliance at that      5 time.      6       Q. Okay. And then what about      7 stores operations; do you know what that      8 refers to?      9       A. That would have been the market      10 directors, and I believe Brandon was in store      11 operations at that time.      12      Q. And those folks have oversight      13 over the pharmacies, correct?      14      A. Correct.      15      Q. Okay. And then about the H and      16 W and diversion team?      17           Do you see that?      18      A. Yes.      19      Q. Do you know what that refers      20 to?      21      A. There's another team that's      22 part of compliance that's called the      23 diversion team.      24      Q. And that's health and wellness,      25 correct?</p>	<p style="text-align: center;">Page 169</p> <p>1       on?      2       A. On pulling some reports for --      3 for orders -- like correctional invoices. So      4 his team did diversion, and I would work with      5 them to -- to understand what it is that they      6 were needing from the DC.      7       Q. Why would he come to you for      8 those sorts of issues?      9       A. Because of -- knowing that I      10 knew how the order came in and the fact that      11 I have a systems background.      12      Q. Can we just talk about that for      13 a moment? Because it sounds like a lot of      14 your responsibilities did deal with systems.      15           What type of background did you      16 have?      17      A. It was more of on-the-job      18 experiences for whatever system was running.      19      Q. And those were limited to your      20 experiences at Walmart, correct?      21      A. Yes.      22      Q. Did you ever receive any      23 specific training with respect to systems,      24 databases, things like that?      25      A. Some training at DC level, and</p>

Page 170	Page 172
<p>1 then a little bit of training when we were --</p> <p>2 Matt came to the home office for Teradata</p> <p>3 queries and stuff like that.</p> <p>4 Q. Were you specifically trained</p> <p>5 in how to run Teradata queries?</p> <p>6 A. Only for the invoice table and</p> <p>7 the PO table.</p> <p>8 Q. And what specifically were you</p> <p>9 trained to do?</p> <p>10 How were you instructed to run</p> <p>11 those queries?</p> <p>12 A. So it was just if I wanted to</p> <p>13 look at what a store was invoiced for, I</p> <p>14 could use a query that somebody built and run</p> <p>15 it. Or if I wanted to look at purchase</p> <p>16 orders, past purchase orders, that came into</p> <p>17 the DC, somebody else had built a query, so</p> <p>18 they'd share it.</p> <p>19 Q. So you wouldn't be the one to</p> <p>20 build the query; is that correct?</p> <p>21 A. No.</p> <p>22 Q. And who would build those</p> <p>23 queries for the Teradata system?</p> <p>24 A. Multiple people.</p> <p>25 Q. Who were some of the people you</p>	<p>1 A. No.</p> <p>2 Q. Maybe possibly at Reddwerks?</p> <p>3 A. No, I don't know.</p> <p>4 Q. Okay. Lynn Cress, C-r-e-s-s?</p> <p>5 A. Yes.</p> <p>6 Q. Who is Lynn Cress?</p> <p>7 A. He worked in logistics systems.</p> <p>8 Q. At Walmart?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Do you know why you be</p> <p>11 e-mailing Lynn about 405 reports?</p> <p>12 A. That was probably when they</p> <p>13 didn't trigger to run or something.</p> <p>14 Q. And then I know I asked you</p> <p>15 this already; I just want to confirm your</p> <p>16 testimony.</p> <p>17 Do you ever recall meeting with</p> <p>18 the DEA?</p> <p>19 A. No, I don't recall meeting with</p> <p>20 them.</p> <p>21 Q. Do you ever recall explaining</p> <p>22 to the DEA issues with ARCOS?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So would you like to</p> <p>25 change your testimony?</p>
Page 171	Page 173
<p>1 would have contacted to do that work?</p> <p>2 A. I would have contacted somebody</p> <p>3 in ISD.</p> <p>4 Q. Do you recall any of those</p> <p>5 folks' names?</p> <p>6 A. Flynn would be one of those. I</p> <p>7 don't know what Flynn's last name is.</p> <p>8 Sometimes I would just e-mail a</p> <p>9 distribution list of people.</p> <p>10 Q. Flynn at e-t-t-i-e-n-n-e?</p> <p>11 A. Yes.</p> <p>12 Q. What about Kie Boyett; is he at</p> <p>13 Walmart? K-i-e, B-o-y-e-t-t?</p> <p>14 A. He was. I don't know if he</p> <p>15 still is.</p> <p>16 Q. Would he have been one of the</p> <p>17 persons you would contact to run -- to create</p> <p>18 those queries?</p> <p>19 A. I don't know that I would use</p> <p>20 him for that.</p> <p>21 Q. Primarily you would use Flynn?</p> <p>22 A. Primarily.</p> <p>23 Q. Okay. What about P-r-a-b-h-u,</p> <p>24 and then his last name is M-u-t-h-a-i-y-a-n?</p> <p>25 Does that name ring a bell?</p>	<p>1 MS. FUMERTON: Objection.</p> <p>2 Form. It's -- I -- there's no</p> <p>3 testimony to change, but go ahead.</p> <p>4 THE WITNESS: I didn't recall</p> <p>5 meeting with them.</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7 Q. Do you recall now meeting with</p> <p>8 them?</p> <p>9 A. Now that you brought up the</p> <p>10 ARCOS errors, yes.</p> <p>11 Q. So other than me bringing up a</p> <p>12 specific example, your answer would be that</p> <p>13 you do not recall, right?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Misstates the prior testimony.</p> <p>16 THE WITNESS: That's correct.</p> <p>17 MR. BOWER: We can take a</p> <p>18 break.</p> <p>19 VIDEOGRAPHER: Going off the</p> <p>20 record at 10:54 a.m.</p> <p>21 (Off the record at 10:54 a.m.)</p> <p>22 VIDEOGRAPHER: We're back on</p> <p>23 the record at 11:06 a.m.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. Okay. We're back on the</p>

Page 174	Page 176
<p>1 record. I just wanted to talk a minute,      2 ma'am, about the oath that you've taken      3 today.</p> <p>4 Okay?</p> <p>5 A. Yes.</p> <p>6 Q. You understand the nature of      7 that oath?</p> <p>8 A. Yes.</p> <p>9 Q. You understand that your      10 obligation is to tell the whole truth and      11 nothing but the truth? Do you understand      12 that?</p> <p>13 A. Yes.</p> <p>14 Q. So, for example, when you say      15 you don't remember, you have to have a basis      16 for that statement.</p> <p>17 Do you understand that?</p> <p>18 MS. FUMERTON: Objection to the      19 instruction and the question.</p> <p>20 THE WITNESS: I understand      21 that.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. And so, for example, when I      24 asked you multiple times about whether you      25 met with the DEA, your immediate response was</p>	<p>1 record.</p> <p>2 MR. BOWER: And that's why      3 you're free to make an objection.      4 Right?</p> <p>5 So you're free to make your      6 objections, but I would appreciate if      7 you didn't have speaking objections.</p> <p>8 MS. FUMERTON: You're the one      9 that's keeping talking right now.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. Ma'am, I asked you, "Do you      12 ever recall meeting with the DEA?" and your      13 answer was, "No, I don't recall meeting with      14 them."</p> <p>15 Do you recall that testimony?</p> <p>16 A. I do now.</p> <p>17 Q. Is that testimony accurate?</p> <p>18 A. No, I misspoke.</p> <p>19 Q. Okay. How many times have you      20 met with the DEA?</p> <p>21 A. I don't know exactly how many      22 times. I was present at some of the      23 inspections at the DC. I recall that meeting      24 that you informed me about with the ARCOS      25 errors, and I did speak to the DEA ARCOS</p>
<p>1 that, no, you didn't recall anything, right?</p> <p>2 MS. FUMERTON: Objection to the      3 form and misstates the testimony,      4 because you asked the question, she      5 went back to look, and she      6 specifically said that she met with      7 the DEA when they came to do      8 inspections at the DC facilities on      9 occasion.</p> <p>10 So you're misstating her --      11 yes, it is absolutely what she said.</p> <p>12 MR. BOWER: I appreciate your      13 speaking objection, but I would also      14 ask that you refrain from those in the      15 future.</p> <p>16 MS. FUMERTON: Well, I would      17 ask that you refrain from      18 mischaracterizing the witness'      19 testimony.</p> <p>20 MR. BOWER: There's a reason      21 that you're only allowed for speaking      22 objections. I would just ask you to      23 abide by that obligation.</p> <p>24 MS. FUMERTON: You also have an      25 obligation not to misrepresent the</p>	<p>1 office.</p> <p>2 Q. Do you know what ARCOS is?</p> <p>3 A. Yes.</p> <p>4 Q. What is ARCOS?</p> <p>5 A. Sales and purchases.</p> <p>6 Q. Do you know whether Walmart      7 reports information to the DEA?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know how Walmart reports      10 that information?</p> <p>11 A. They report it monthly.</p> <p>12 Q. And who creates the reports?</p> <p>13 A. It's created through a job in      14 the system, so it's an automatic report that      15 gets put on a server. We take that data and      16 upload it into the DEA's website.</p> <p>17 Q. And who has the responsibility      18 at Walmart to physically do the uploading of      19 the data?</p> <p>20 A. There was an individual on our      21 team that did that.</p> <p>22 Q. And what was that individual's      23 name?</p> <p>24 A. It was -- when I started on the      25 team, it was Brenda Glenn. Then it was Sarah</p>

Page 178	Page 180
<p>1 Eisler. And it was Kelsey Clark.</p> <p>2 Q. And at some point, Walmart</p> <p>3 became aware that the information that was</p> <p>4 being provided to the DEA was inaccurate; is</p> <p>5 that correct?</p> <p>6 MS. FUMERTON: Objection.</p> <p>7 Form. No foundation.</p> <p>8 THE WITNESS: It wasn't</p> <p>9 inaccurate. It was missing some data.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. What's the difference between</p> <p>12 inaccurate and missing data in your mind?</p> <p>13 A. Well, the information that was</p> <p>14 provided, the quantities and who it was</p> <p>15 shipped to, was correct. It was -- the CSOS</p> <p>16 order ID was missing.</p> <p>17 Q. So is information -- or data</p> <p>18 that's missing information accurate?</p> <p>19 MS. FUMERTON: Objection.</p> <p>20 Form.</p> <p>21 THE WITNESS: The data was</p> <p>22 correct. It was the missing</p> <p>23 information.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. So I just want to be clear so</p>	<p>1 to the stores due to storms or systems, if we</p> <p>2 had significant downtime at the distribution</p> <p>3 center, if it was either mechanical or</p> <p>4 system.</p> <p>5 Q. Are you done?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. Did you ever provide</p> <p>8 updates on issues related to Walmart's</p> <p>9 suspicious order monitoring policy in any</p> <p>10 way?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 THE WITNESS: I did not.</p> <p>14 (Walmart-Sullins Exhibit 6</p> <p>15 marked for identification.)</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Okay. You've been handed</p> <p>18 what's been marked as Exhibit 6. Take a</p> <p>19 moment. It's an e-mail with the attachment.</p> <p>20 The e-mail is from Mr. Tallman to Timothy</p> <p>21 Harris, yourself and Theresa Alford.</p> <p>22 A. Yes.</p> <p>23 Q. Okay?</p> <p>24 And I have some questions on</p> <p>25 the PowerPoint slides, the first of which is,</p>
Page 179	Page 181
<p>1 that I understand what your testimony is.</p> <p>2 Is it your testimony that the</p> <p>3 data that was being provided was correct but</p> <p>4 that it wasn't complete?</p> <p>5 A. It was not complete.</p> <p>6 Q. What does DVP stand for?</p> <p>7 A. DVP? Divisional vice</p> <p>8 president.</p> <p>9 Q. Did you attend those meetings?</p> <p>10 MS. FUMERTON: Objection.</p> <p>11 Form.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. Did you attend -- I'll strike</p> <p>14 that.</p> <p>15 Did you attend DVP meetings?</p> <p>16 A. I attended some meetings. I</p> <p>17 didn't stay for the entire time.</p> <p>18 Q. What was the reason for your</p> <p>19 attendance at DVP meetings?</p> <p>20 A. To provide an update for the</p> <p>21 previous week's workload.</p> <p>22 Q. And what would you provide an</p> <p>23 update on? What types of things?</p> <p>24 A. So where our, like, pier</p> <p>25 processing was, did we have any late arrivals</p>	<p>1 who puts these together?</p> <p>2 But take your time to review it</p> <p>3 and then -- before answering the question.</p> <p>4 It looks like there's maybe two copies of the</p> <p>5 document --</p> <p>6 MS. FUMERTON: I was just</p> <p>7 trying to figure out if that was</p> <p>8 supposed to be the case, or was it --</p> <p>9 MR. BOWER: I don't think so,</p> <p>10 but I think they're also identical, so</p> <p>11 I don't know if it's...</p> <p>12 MS. FUMERTON: It looks like</p> <p>13 from the attachments --</p> <p>14 MR. BOWER: There's only one,</p> <p>15 right?</p> <p>16 MS. FUMERTON: This should be</p> <p>17 only one.</p> <p>18 MR. BOWER: Yeah. So we can</p> <p>19 either pull it out or --</p> <p>20 MS. FUMERTON: Why don't we</p> <p>21 pull it out.</p> <p>22 MR. BOWER: -- investigate.</p> <p>23 Yeah. Okay.</p> <p>24 MS. FUMERTON: At a break,</p> <p>25 we'll just double-check. We'll do a</p>

<p style="text-align: right;">Page 182</p> <p>1 comparison.</p> <p>2 MR. BOWER: Yes, that's --</p> <p>3 either way is fine. I don't have any</p> <p>4 questions on the second one anyways</p> <p>5 because that would have been my</p> <p>6 assumption, so...</p> <p>7 And we can remove yours at the</p> <p>8 break --</p> <p>9 MS. FUMERTON: Okay.</p> <p>10 MR. BOWER: -- so we don't have</p> <p>11 to worry about it now.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. So I just want to know, it's</p> <p>14 some general questions about these slides and</p> <p>15 whether you were at least partially</p> <p>16 responsible for preparing them.</p> <p>17 A. I don't recall preparing them.</p> <p>18 Q. Okay. Do you know who did</p> <p>19 prepare them?</p> <p>20 A. It would have been Nick</p> <p>21 Tallman.</p> <p>22 Q. What was his role at this time;</p> <p>23 do you know?</p> <p>24 A. He was the same as I was. I</p> <p>25 was a senior manager; he was a senior</p>	<p style="text-align: right;">Page 184</p> <p>1 pick shipped.</p> <p>2 Q. So Walmart monitored all that</p> <p>3 data; is that correct?</p> <p>4 A. We did, yes.</p> <p>5 Q. And for what reason did he</p> <p>6 review those P&amp;Ls?</p> <p>7 MS. FUMERTON: Objection.</p> <p>8 Form.</p> <p>9 THE WITNESS: I don't know. It</p> <p>10 was just part of the business.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. Was it to make sure that they</p> <p>13 were profitable?</p> <p>14 MS. FUMERTON: Object to form.</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. Well, you attended these</p> <p>17 meetings where they were discussed, right?</p> <p>18 A. Attended some of them, yes.</p> <p>19 Q. All right. Did Mr. Tallman</p> <p>20 ever discuss the profitability of the DCs?</p> <p>21 A. No, he just talked about the</p> <p>22 expenses and the percents to sales.</p> <p>23 Q. Sorry. You said percent to</p> <p>24 sales?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 183</p> <p>1 manager.</p> <p>2 Q. Did he have different</p> <p>3 responsibilities than you?</p> <p>4 A. Yes.</p> <p>5 Q. What were his responsibilities?</p> <p>6 A. More strategic initiatives. He</p> <p>7 reviewed the P&amp;Ls. He did some day-to-day</p> <p>8 stuff as well. He also did some flow</p> <p>9 processes.</p> <p>10 Q. What P&amp;Ls did he review?</p> <p>11 A. All the distribution centers.</p> <p>12 Q. Each distribution center had</p> <p>13 its own P&amp;L?</p> <p>14 A. Yes.</p> <p>15 Q. How often would he review</p> <p>16 those; if you know?</p> <p>17 A. I don't know how often. I know</p> <p>18 that we had a P&amp;L maybe once a month.</p> <p>19 Q. Would he discuss the</p> <p>20 distribution P&amp;Ls at those meetings?</p> <p>21 A. Yes.</p> <p>22 Q. What types of things would he</p> <p>23 discuss, just generally?</p> <p>24 A. What the total expenses were</p> <p>25 and what our units per hour was, cost per</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. What does that mean?</p> <p>2 A. So it's some calculation of</p> <p>3 what the sales were and total expenses,</p> <p>4 divided by total expenses.</p> <p>5 Q. And how does a DC have sales?</p> <p>6 A. So it's not really a sale, it's</p> <p>7 just a -- an accounting, so it's based on</p> <p>8 what the cost is of the drug.</p> <p>9 Q. And what is your understanding</p> <p>10 as to why Mr. Tallman review these P&amp;Ls?</p> <p>11 A. To look at what our expenses</p> <p>12 were.</p> <p>13 Q. And why was that important to</p> <p>14 the health and wellness folks?</p> <p>15 A. Because you would want to</p> <p>16 reduce your expenses.</p> <p>17 Q. And why do you want to do that?</p> <p>18 A. Because -- for profit in the</p> <p>19 company.</p> <p>20 Q. Okay. And was that part of the</p> <p>21 role of health and wellness, was to reduce</p> <p>22 the expenses at the DCs?</p> <p>23 A. That was some of the role, yes.</p> <p>24 Q. And how would you go about</p> <p>25 doing that?</p>

<p style="text-align: right;">Page 186</p> <p>1        A. Implementing systems to help      2 that process. Keeping our maintenance on      3 conveyors up to date so that it didn't cause      4 downtime that you were sitting there.      5 Maintaining any -- you know, a preventive      6 maintenance on the equipment.</p> <p>7        Q. Do you recall anything that was      8 done at DC 6045 to reduce expenses?</p> <p>9        A. No, I don't recall anything      10 specific that we did to reduce expenses.</p> <p>11      Q. And did the health and wellness      12 group have its own P&amp;L?</p> <p>13      MS. FUMERTON: Objection.      14      Form.</p> <p>15      THE WITNESS: It's a broad      16 question. I don't -- I'm not sure I      17 understand what you're asking.</p> <p>18      QUESTIONS BY MR. BOWER:</p> <p>19      Q. Well, did the folks on your      20 team, Mr. Tallman, Mr. Harris, yourself,      21 Ms. Alford, have their own kind of P&amp;L      22 statements they looked at to determine      23 whether they were successful in increasing      24 profitability?</p> <p>25      MS. FUMERTON: Objection.</p>	<p style="text-align: right;">Page 188</p> <p>1        information was on there, but it was      2 for all DCs. It wasn't for a specific      3 DC or anything like that. It was      4 overall.</p> <p>5      QUESTIONS BY MR. BOWER:</p> <p>6      Q. Right.      7           And the overall performance      8 would impact your review, correct?</p> <p>9      MS. FUMERTON: Objection.      10     Form.</p> <p>11     THE WITNESS: No, I don't      12 believe it would.</p> <p>13     QUESTIONS BY MR. BOWER:</p> <p>14     Q. You don't believe that the      15 profitability, overall profitability, of the      16 DCs, impacted your reviews?</p> <p>17     MS. FUMERTON: Objection. Form      18 and lack of foundation.</p> <p>19     THE WITNESS: No.</p> <p>20     QUESTIONS BY MR. BOWER:</p> <p>21     Q. What did impact your reviews?</p> <p>22     A. Not -- not doing a project or      23 not completing a project in time. That's      24 what would impact my review.</p> <p>25     Q. Anything else?</p>
<p style="text-align: right;">Page 187</p> <p>1      Form.</p> <p>2      THE WITNESS: No, it was the      3 DCs' P&amp;L.</p> <p>4      QUESTIONS BY MR. BOWER:</p> <p>5      Q. But I'm trying -- I'm just      6 trying to understand why this was part of      7 the -- your role at health and wellness and      8 Mr. Tallman's role. Why was this being      9 discussed?</p> <p>10     A. It was part of business. I      11 mean, we discussed that with all the DCs.</p> <p>12     Q. Okay. Was part of your --      13 strike that.</p> <p>14     Was the success of your team at      15 health and wellness in part determined by the      16 profitability of the DCs?</p> <p>17     MS. FUMERTON: Objection.      18     Form. Lack of foundation.</p> <p>19     QUESTIONS BY MR. BOWER:</p> <p>20     Q. In other words, in your annual      21 reviews, did the folks look at whether the      22 DCs were profitable?</p> <p>23     MS. FUMERTON: Objection.      24     Form.</p> <p>25     THE WITNESS: The P&amp;L</p>	<p style="text-align: right;">Page 189</p> <p>1      A. If we had violations at DC      2 level, which we never did have violations      3 when the DEA inspection or state Boards of      4 Pharmacy came through. So that would impact      5 it.</p> <p>6      Q. Anything else?</p> <p>7      A. There was other categories on      8 there. I don't know all of them.</p> <p>9      Q. Going back to Exhibit 6, turn      10 your attention to page 2 of the PowerPoint.      11     See where it says on the top,      12 "RX supply chain controlled substance      13 monitoring"?</p> <p>14     Do you see that?</p> <p>15     A. Yes.</p> <p>16     Q. Do you see -- do you know what      17 all of these statements here refer to?      18     For example, "Cardinal Health      19 settles drug distribution case." Do you know      20 what that refers to?</p> <p>21     A. No.</p> <p>22     Q. No?</p> <p>23     What about the last one,      24 "McKesson to pay 13 million for failure to      25 report suspicious drug activity"? Do you</p>

Page 190	Page 192
<p>1 know what that refers to?</p> <p>2 A. Suspicious drugs.</p> <p>3 Q. Do you know what that refers</p> <p>4 to?</p> <p>5 A. No.</p> <p>6 Q. Do you know whether that refers</p> <p>7 to the distribution of opioid products?</p> <p>8 A. I don't know.</p> <p>9 Q. Do you know whether the one</p> <p>10 above that, where it notes "DEA serves a</p> <p>11 suspension order on Walgreens distribution</p> <p>12 center in Jupiter, Florida," do you know what</p> <p>13 that refers to?</p> <p>14 A. No.</p> <p>15 Q. Do you know what any of these</p> <p>16 refer to?</p> <p>17 A. No, I didn't read any of these.</p> <p>18 Q. So Nick sends this to</p> <p>19 Mr. Harris, yourself and Ms. Alford, right?</p> <p>20 And you didn't read it?</p> <p>21 A. Well, I -- I don't recall</p> <p>22 reading it, but I'm reading it now.</p> <p>23 Q. You don't recall asking, hey,</p> <p>24 Nick, what are all of these about?</p> <p>25 A. No, I don't recall doing that.</p>	<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Anything in this PowerPoint</p> <p>3 part of your responsibility?</p> <p>4 A. I can look.</p> <p>5 Q. I mean, this is a PowerPoint</p> <p>6 put together by your team, right?</p> <p>7 MS. FUMERTON: Well, you asked</p> <p>8 a question, so she needs to look.</p> <p>9 MR. BOWER: Well, I'll strike</p> <p>10 that question.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. This is a PowerPoint put</p> <p>13 together by your team, right?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form.</p> <p>16 THE WITNESS: The team I was</p> <p>17 on, yes.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Right. And there's how many on</p> <p>20 this team?</p> <p>21 There appears to be one, two,</p> <p>22 three, four people on that team, right?</p> <p>23 MS. FUMERTON: Objection.</p> <p>24 Form.</p> <p>25 THE WITNESS: There was more,</p>
Page 191	Page 193
<p>1 Q. Why wouldn't you have done</p> <p>2 that? Wouldn't you have been curious as to</p> <p>3 why these were there?</p> <p>4 MS. FUMERTON: Objection.</p> <p>5 Form.</p> <p>6 THE WITNESS: It's information</p> <p>7 pulled from the websites.</p> <p>8 QUESTIONS BY MR. BOWER:</p> <p>9 Q. Well, why is he including this</p> <p>10 information on this PowerPoint?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. Didn't affect what you were</p> <p>16 doing, so it didn't matter, right?</p> <p>17 A. It was not part of my</p> <p>18 responsibility, no.</p> <p>19 Q. Okay. Anything on here part of</p> <p>20 your responsibility?</p> <p>21 MS. FUMERTON: Objection.</p> <p>22 Form.</p> <p>23 Are you talking entire</p> <p>24 presentation?</p> <p>25</p>	<p>1 but --</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3 Q. It was sent to four people,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. For review prior to the</p> <p>7 meeting, right?</p> <p>8 MS. FUMERTON: Objection.</p> <p>9 Form.</p> <p>10 THE WITNESS: Say that again?</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. They were sent to the team,</p> <p>13 right?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. They were sent to the four</p> <p>18 people on this e-mail, correct?</p> <p>19 MS. FUMERTON: Objection.</p> <p>20 Form.</p> <p>21 What is the "they" you're</p> <p>22 referring to?</p> <p>23 MR. BOWER: These slides. The</p> <p>24 slides in the PowerPoint we're looking</p> <p>at were sent to the people on the</p>

<p>1 e-mail.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3 Q. Is that correct?</p> <p>4 A. Yes.</p> <p>5 MS. FUMERTON: Objection.</p> <p>6 Form.</p> <p>7 MR. BOWER: Are you objecting</p> <p>8 that the slides on this e-mail were</p> <p>9 sent to the people on the e-mail?</p> <p>10 MS. FUMERTON: I'm objecting</p> <p>11 because you continuously do not listen</p> <p>12 to her answers and misrepresent the</p> <p>13 testimony, because she said that there</p> <p>14 were other people involved in the</p> <p>15 team, and then you keep trying to</p> <p>16 reduce it to a smaller number.</p> <p>17 MR. BOWER: I don't reduce it.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. I'm saying these slides were</p> <p>20 sent to these four people; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any idea why</p> <p>23 these -- only these four people received</p> <p>24 these slides in this e-mail?</p> <p>25 MS. FUMERTON: Objection.</p>	<p>Page 194</p> <p>1 and insisted that she answer the</p> <p>2 question.</p> <p>3 So if you want her to answer</p> <p>4 whether she had responsibility for</p> <p>5 anything in the slides, you need to</p> <p>6 allow her time to review the slides.</p> <p>7 MR. BOWER: I would ask, again,</p> <p>8 for no speaking objections.</p> <p>9 MS. FUMERTON: And I am going</p> <p>10 to again ask you to stop</p> <p>11 misrepresenting her testimony and the</p> <p>12 record.</p> <p>13 Are you objecting to letting</p> <p>14 her have time to review the slides?</p> <p>15 MR. BOWER: I never did.</p> <p>16 MS. FUMERTON: Yes, you did.</p> <p>17 MR. BOWER: I just asked the</p> <p>18 question.</p> <p>19 MS. FUMERTON: You withdrew the</p> <p>20 question.</p> <p>21 MR. BOWER: I withdrew the</p> <p>22 question.</p> <p>23 MS. FUMERTON: And now you</p> <p>24 asked again.</p> <p>25 MR. BOWER: Now -- let me clear</p>
<p>Page 195</p> <p>1 Form. Lack of foundation.</p> <p>2 MR. BOWER: I'll strike it.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. Do you have any idea why the</p> <p>5 other team members weren't included on this</p> <p>6 e-mail?</p> <p>7 A. No, I do not.</p> <p>8 Q. Okay. Do you have any reason</p> <p>9 to believe that you were included on this</p> <p>10 e-mail because you had some responsibility in</p> <p>11 connection with these slides?</p> <p>12 A. No.</p> <p>13 Q. So is it your testimony today</p> <p>14 that despite your inclusion on this e-mail</p> <p>15 and receiving these slides before the DVP</p> <p>16 meeting, you had no responsibility in</p> <p>17 connection with any of these projects?</p> <p>18 MS. FUMERTON: Objection.</p> <p>19 Form. And I object to what you're</p> <p>20 asking because you're going back to</p> <p>21 the original question that you asked.</p> <p>22 And she said, "Let me look to</p> <p>23 see if I had any responsibility," and</p> <p>24 you said you were going to withdraw</p> <p>25 that question, and then you came back</p>	<p>Page 197</p> <p>1 up the record, because now you've made</p> <p>2 a long record that's inaccurate, which</p> <p>3 is frequent in this case.</p> <p>4 I withdrew the question. I</p> <p>5 asked some foundational questions and</p> <p>6 then asked the question again, at</p> <p>7 which point you interjected your long</p> <p>8 speaking objection which is</p> <p>9 inappropriate.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. So I'll ask again. And I've</p> <p>12 given you plenty of time today to review</p> <p>13 every document. All I'm asking you is, did</p> <p>14 you have any responsibility in connection</p> <p>15 with anything represented in these slides?</p> <p>16 MS. FUMERTON: And you can take</p> <p>17 the time to review the slides.</p> <p>18 MR. BOWER: And while she's</p> <p>19 reviewing, I would appreciate if we</p> <p>20 could end the speaking objections</p> <p>21 because it's getting out of hand.</p> <p>22 MS. FUMERTON: It's not getting</p> <p>23 out -- and, Zach, again, you cannot</p> <p>24 withdraw when she says, "Give me a</p> <p>25 minute to review," and you say, "I'll</p>

Page 198	Page 200
<p>1 withdraw the question," then come back      2 and ask. You have to give her time to      3 review the slides.</p> <p>4 MR. BOWER: I never didn't give      5 her time.</p> <p>6 MS. FUMERTON: I'm not going to      7 let you railroad her into questions      8 that are unfair.</p> <p>9 MR. BOWER: Look, it's pretty      10 clear that your speaking objections      11 are strategic, so if they keep going,      12 we're going to have to find some      13 relief because it's inappropriate.</p> <p>14 MS. FUMERTON: Is your      15 misrepresenting the record strategic?</p> <p>16 MR. BOWER: I am not. I      17 withdrew a question. I asked      18 foundational questions then asked the      19 question again.</p> <p>20 MS. FUMERTON: All I'm asking      21 is for time to review the document.</p> <p>22 MR. BOWER: Then that should be      23 the nature of your statement, not a      24 long colloquy.</p> <p>25 THE WITNESS: There was stuff</p>	<p>1 A. So it refers to --</p> <p>2 Q. I'll strike that. That was a      3 poor question.</p> <p>4 At the time, Walmart didn't use      5 Buzzeo; is that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. So this refers to what would      8 later become the Buzzeo project?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Were you responsible for      11 that project?</p> <p>12 A. I was initially brought in, and      13 then I was not responsible because it didn't      14 affect the distribution center. Buzzeo was      15 prior to the order dropping to the      16 distribution center.</p> <p>17 Q. Okay. So is it your testimony      18 that you were not responsible for the rollout      19 of Buzzeo at 6045?</p> <p>20 A. That's correct.</p> <p>21 Q. Did you have any role in that      22 rollout?</p> <p>23 A. Not in the rollout.</p> <p>24 Q. What was your role, if any?</p> <p>25 A. It was when it -- when it</p>
Page 199	Page 201
<p>1 in here that I was responsible for.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3 Q. Okay. Let's talk about that.</p> <p>4 What in here were you      5 responsible for?</p> <p>6 A. Some system solutions.</p> <p>7 Q. What page are you on?</p> <p>8 A. I'm on page 4.</p> <p>9 Q. Okay. And what specifically      10 are you looking at? The dash system      11 solution? That one?</p> <p>12 A. On the system solution.</p> <p>13 Q. Okay.</p> <p>14 A. So...</p> <p>15 Q. And that notes "develop a      16 proactive order limitation system."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Did Walmart ever do that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What -- what was that      22 system called?</p> <p>23 A. Buzzeo, I believe.</p> <p>24 Q. So this refers to Buzzeo; is      25 that correct?</p>	<p>1 initially rolled out, there was a bug with      2 it, and so they had to take that out and fix      3 the bug. And so I was brought in to look at      4 why the system did what it did, so I provided      5 some -- some insight into that.</p> <p>6 Q. Well, wasn't it, in fact, your      7 decision to take it out and fix the bug?</p> <p>8 Wasn't that your decision?</p> <p>9 MS. FUMERTON: Objection.</p> <p>10 Form.</p> <p>11 THE WITNESS: I don't recall.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. Okay. Other than your      14 reference to Buzzeo here, do you know why you      15 were looking to develop a proactive order      16 limitation system?</p> <p>17 A. It wasn't necessarily me. It      18 was -- I was partnering with compliance.</p> <p>19 Q. Okay. Do you know why Walmart      20 wanted to develop a proactive order      21 limitation system?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 THE WITNESS: No, I don't know.</p> <p>25</p>

Page 202	Page 204
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. It didn't affect your</p> <p>3 responsibility so you didn't ask, right?</p> <p>4 A. I didn't ask.</p> <p>5 Q. Do you think it could possibly</p> <p>6 be related to the second page of this</p> <p>7 PowerPoint, all these headlines here?</p> <p>8 MS. FUMERTON: Objection.</p> <p>9 Form.</p> <p>10 THE WITNESS: Possibly.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. Well, as you sit here today,</p> <p>13 what is your understanding as to why these</p> <p>14 headlines are here?</p> <p>15 MS. FUMERTON: Objection.</p> <p>16 Form.</p> <p>17 THE WITNESS: For monitoring.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. What specifically about</p> <p>20 monitoring?</p> <p>21 A. Controlled substances.</p> <p>22 Q. Specifically opioids, correct?</p> <p>23 MS. FUMERTON: Objection.</p> <p>24 Form.</p> <p>25 QUESTIONS BY MR. BOWER:</p>	<p>1 Do you know whether that was</p> <p>2 one of the key items referenced here?</p> <p>3 A. I don't know.</p> <p>4 Q. Do you know whether other oxy</p> <p>5 products were key items referenced here?</p> <p>6 A. I don't know.</p> <p>7 Q. What is a controlled drug</p> <p>8 report? Do you know what that refers to?</p> <p>9 The third dash there says,</p> <p>10 "Identify controlled drug report</p> <p>11 requirements." What does that mean?</p> <p>12 A. I don't know what that means.</p> <p>13 Q. Well, you have testified that</p> <p>14 you were responsible for this systematic</p> <p>15 solution, right?</p> <p>16 You don't know what the third</p> <p>17 dash refers to?</p> <p>18 MS. FUMERTON: Objection.</p> <p>19 Form. Misstates prior testimony.</p> <p>20 THE WITNESS: I don't know what</p> <p>21 it refers to.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. Do you know what the data in</p> <p>24 that sentence refers to?</p> <p>25 A. No.</p>
Page 203	Page 205
<p>1 Q. Do you have that understanding?</p> <p>2 A. No. Controlled substances.</p> <p>3 Q. Okay. Were you aware in 2013</p> <p>4 that the country was in the middle of an</p> <p>5 opioid crisis?</p> <p>6 A. I don't know when I became</p> <p>7 aware of it.</p> <p>8 Q. Do you recall being aware of it</p> <p>9 at this time?</p> <p>10 A. No, I don't recall that.</p> <p>11 Q. Do you see -- so you're --</p> <p>12 going back to page 4, which you directed to</p> <p>13 us as having some responsibility for, do you</p> <p>14 see the second dash? It says, "Provide</p> <p>15 internal alerts for increasing volumes on key</p> <p>16 items."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever ask what those key</p> <p>20 items were?</p> <p>21 A. No.</p> <p>22 Q. Well, you knew at this time</p> <p>23 that Walmart was focusing on oxy 30, right?</p> <p>24 A. Yeah, in 2012.</p> <p>25 Q. Right.</p>	<p>1 Q. Do you know what data you would</p> <p>2 have used or had access to in connection with</p> <p>3 this development of the solution?</p> <p>4 A. The sales data.</p> <p>5 Q. And where would you have --</p> <p>6 where would that data have been maintained?</p> <p>7 A. In Teradata.</p> <p>8 Q. And what was the solution for?</p> <p>9 It says, "this is my solution," but</p> <p>10 "solution" suggests to me there's a problem.</p> <p>11 Do you know what the solution</p> <p>12 was supposed to address?</p> <p>13 A. I don't know that it was a</p> <p>14 problem. It was a change in the process.</p> <p>15 Q. Do you know why a change was</p> <p>16 needed or desired by Walmart?</p> <p>17 MS. FUMERTON: Objection.</p> <p>18 Form.</p> <p>19 THE WITNESS: No, we just -- we</p> <p>20 change systems as they evolve, as new</p> <p>21 stuff comes into the processes.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. Well, what new stuff was coming</p> <p>24 into the processes?</p> <p>25 A. I'm not talking about</p>

<p style="text-align: right;">Page 206</p> <p>1 specifically this. I'm talking about broad, 2 like CSOS. I mean, it wasn't something that 3 we brought in. It was to replace what we 4 were currently doing.</p> <p>5 Q. Right.</p> <p>6 And I think you explained -- 7 sorry, go ahead.</p> <p>8 A. And pick the light. It was to 9 replace what we were currently doing. So it 10 was just systems that became available, and 11 we evolved to those.</p> <p>12 Q. And I think for each of those 13 situations you just described, the CSOS issue 14 and the pick a light, you were able to 15 identify why those changes were made.</p> <p>16 Do you have any idea why this 17 change was being made?</p> <p>18 MS. FUMERTON: Objection. 19 Form.</p> <p>20 THE WITNESS: No, I don't.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Did you ever ask, "Why do we 23 need a solution?"</p> <p>24 A. I don't recall asking.</p> <p>25 Q. Well, how is it that you went</p>	<p style="text-align: right;">Page 208</p> <p>1 QUESTIONS BY MR. BOWER: 2 Q. But -- and in your answer you 3 mentioned, like, we wanted the enhanced 4 Reddwerks. But this is not the enhanced 5 Reddwerks, right, this is something 6 different?</p> <p>7 MS. FUMERTON: Objection. 8 Form.</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. I'll ask it a different way 11 then.</p> <p>12 Does this systematic solution 13 refer to enhanced Reddwerks?</p> <p>14 A. I believe it is, but I'm not 15 sure.</p> <p>16 Q. Okay. Because earlier you 17 mentioned Buzzeo.</p> <p>18 A. I mentioned Buzzeo as well, 19 yes. I don't know if it was Buzzeo or if it 20 was the system enhancements.</p> <p>21 Q. Okay. Could it have been both?</p> <p>22 A. It could have been. I don't 23 know.</p> <p>24 Q. In other words, both the 25 Reddwerks enhancement and Buzzeo could have</p>
<p style="text-align: right;">Page 207</p> <p>1 about providing a solution to something you 2 didn't know what you were trying to solve?</p> <p>3 MS. FUMERTON: Objection. 4 Form.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. Well, I'll strike that.</p> <p>7 What did you do to develop a 8 solution?</p> <p>9 A. I didn't develop a solution. I 10 went and attended meetings that people asked 11 for a solution.</p> <p>12 Q. And what did people ask?</p> <p>13 A. They wanted -- like when we 14 enhanced Reddwerks, they wanted visibility to 15 the orders that were coming in and what 16 was -- what the threshold was and what was 17 being held and where it alerted and then what 18 the weekly quantity was.</p> <p>19 Q. And at any of these meetings 20 did they ever say why they wanted this 21 information?</p> <p>22 MS. FUMERTON: Objection. 23 Form.</p> <p>24 THE WITNESS: I didn't ask. 25</p>	<p style="text-align: right;">Page 209</p> <p>1 been systematic solutions to addressing these 2 issues, correct?</p> <p>3 A. It could have been.</p> <p>4 Q. Okay. Do you know what the 5 system was at this time in January of 2013?</p> <p>6 A. It was Reddwerks.</p> <p>7 Q. And what was specifically with 8 respect to order limitation was happening at 9 Reddwerks at this time?</p> <p>10 A. Thresholds.</p> <p>11 Q. Thresholds for which products?</p> <p>12 A. For all products.</p> <p>13 Q. And what does that mean when 14 you say "thresholds"?</p> <p>15 A. There was a limit set on items.</p> <p>16 Q. On all items?</p> <p>17 A. On all items.</p> <p>18 Q. And what were those limits?</p> <p>19 A. I don't know that specifically.</p> <p>20 Q. Do you recall whether it being 21 50?</p> <p>22 A. I do recall it being somewhat 23 50.</p> <p>24 Q. Do you recall automatic cuts to 25 50 of all items?</p>

Page 210	Page 212
<p>1           MS. FUMERTON: Objection.</p> <p>2       Form.</p> <p>3   <b>QUESTIONS BY MR. BOWER:</b></p> <p>4       Q. I'll strike it.</p> <p>5       Do you know whether Walmart</p> <p>6   instituted a policy of automatically cutting</p> <p>7   orders to 50 for all items?</p> <p>8       A. I don't recall. I don't</p> <p>9   recall.</p> <p>10      MR. BOWER: I'm not sure what</p> <p>11   time it is. Do you want to keep going</p> <p>12   or do you want to do --</p> <p>13      MS. FUMERTON: No, this is a</p> <p>14   good time to stop for lunch. I just</p> <p>15   wanted to be mindful because we do</p> <p>16   have the 4:00 cutoff.</p> <p>17      MR. BOWER: Well, I mean --</p> <p>18      MS. FUMERTON: You took the</p> <p>19   other break after we had just taken a</p> <p>20   30-minute break, so --</p> <p>21      MR. BOWER: I took a</p> <p>22   five-minute break. I'm allowed to</p> <p>23   take a five-minute break.</p> <p>24      MS. FUMERTON: I'm not saying</p> <p>25   you're not, but I'm just saying --</p>	<p>1           not.</p> <p>2           VIDEOPHAGER: Going off the</p> <p>3   record at 11:41 a.m.</p> <p>4           (Off the record at 11:41 a.m.)</p> <p>5           VIDEOPHAGER: We're back on</p> <p>6   the record at 12:06 p.m.</p> <p>7           (Walmart-Sullins Exhibit 7</p> <p>8   marked for identification.)</p> <p>9   <b>QUESTIONS BY MR. BOWER:</b></p> <p>10      Q. Okay. We're back on the</p> <p>11   record.</p> <p>12      Do you understand that you're</p> <p>13   still under oath?</p> <p>14      A. Yes.</p> <p>15      Q. You've been handed what's</p> <p>16   marked as Exhibit 7, an e-mail from Kristy</p> <p>17   Spruell to yourself, Ms. Alford, Donna</p> <p>18   Auldrige and Nick Tallman, September 2013.</p> <p>19      Just take a moment and review</p> <p>20   it. It's simply an e-mail and attachment.</p> <p>21      A. Okay. Okay.</p> <p>22      Q. Okay. Who is Kristy Spruell?</p> <p>23      A. She was a team member on the</p> <p>24   team.</p> <p>25      Q. Okay. What team is that?</p>
<p style="text-align: center;">Page 211</p> <p>1           MR. BOWER: We will be done</p> <p>2   when we're done. I'm not agreeing to</p> <p>3   less than my time on the record.</p> <p>4      MS. FUMERTON: Well, then let's</p> <p>5   just take -- we'll take a short</p> <p>6   lunch --</p> <p>7      MR. BOWER: That's fine.</p> <p>8      MS. FUMERTON: -- and --</p> <p>9      MR. BOWER: You can take a</p> <p>10   five-minute lunch if you want.</p> <p>11      MS. FUMERTON: We had this</p> <p>12   conversation --</p> <p>13      MR. BOWER: We did, and</p> <p>14   that's --</p> <p>15      MS. FUMERTON: -- before the</p> <p>16   scheduling.</p> <p>17      MR. BOWER: -- why I said</p> <p>18   before we were taking three 15-breaks</p> <p>19   this morning.</p> <p>20      MS. FUMERTON: We did not take</p> <p>21   a 15-minute break, but the record will</p> <p>22   show what we took.</p> <p>23      MR. BOWER: They both were like</p> <p>24   14 minutes.</p> <p>25      MS. FUMERTON: No, they were</p>	<p style="text-align: center;">Page 213</p> <p>1      A. She was originally in</p> <p>2   compliance and then worked with our team on</p> <p>3   the monitoring of controlled substances.</p> <p>4      Q. And what role did your team</p> <p>5   have in the monitoring of controlled</p> <p>6   substances?</p> <p>7      A. So it would have been the -- my</p> <p>8   role would have been the system enhancements.</p> <p>9      Q. What about the other folks on</p> <p>10   your team; did they have other roles?</p> <p>11      A. I don't know.</p> <p>12      Q. You don't know what roles, if</p> <p>13   any, the other folks on your team had in</p> <p>14   connection with controlled substance</p> <p>15   monitoring; is that correct?</p> <p>16      A. That's correct.</p> <p>17      Q. And just -- I think the record</p> <p>18   this morning wasn't clear.</p> <p>19      When you say "team," what do</p> <p>20   you mean?</p> <p>21      A. The people on the health and</p> <p>22   wellness logistics team.</p> <p>23      Q. Okay. And who were those</p> <p>24   people in 2013?</p> <p>25      A. It would have been Nick</p>

Page 214	Page 216
<p>1 Tallman, Theresa Alford. I believe Sarah      2 Eisler, Tim Harris. Donna was not on the      3 actual team, but she had a dotted line there.      4 Joan Mersher. I think that was it.      5 Q. Okay. I appreciate that.      6 Thank you.</p> <p>7 So your role would have been      8 the system enhancements portions for any --      9 anything related to monitoring for controlled      10 substances; is that correct?</p> <p>11 A. For any system changes, yes.</p> <p>12 Q. Okay. So is that the reason      13 that Ms. Spruell was sending this document to      14 you?</p> <p>15 MS. FUMERTON: Objection.      16 Form.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. I'll strike that then.</p> <p>19 What is your understanding as      20 to why Ms. Spruell is sending this document      21 titled "Controlled Substance Distribution      22 Monitoring Program" to you?</p> <p>23 A. What she was working on.</p> <p>24 Q. I understand that may have been      25 what she was working on. My question,</p>	<p>1 Q. Okay.      2 A. -- but I recall seeing this      3 information.      4 Q. Okay. And you note it      5 refers -- do you see where it refers to      6 "every order of interest"?</p> <p>7 Do you see it starts --      8 A. Oh, at the beginning?      9 Q. Yeah.</p> <p>10 And it goes through and talks      11 about what Walmart must do for every order of      12 interest, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you have any role in that      15 process?</p> <p>16 A. No.</p> <p>17 Q. Did you have any role in -- if      18 you go to number 4, do you see it says, "4 B,      19 all investigation records must be stored on a      20 server"?</p> <p>21 Do you see that, that they      22 "must be stored on a server"?</p> <p>23 A. Yes.</p> <p>24 Q. Did you have any role in that?</p> <p>25 A. No.</p>
Page 215	Page 217
<p>1 though, to you is, why is she sending it to      2 you?</p> <p>3 A. I don't know why she sent it to      4 the -- to the operational team.</p> <p>5 Q. She sent it to four people,      6 right?</p> <p>7 A. Yes.</p> <p>8 Q. You're the first person listed      9 on there, right?</p> <p>10 A. Yes, I'm the first person      11 listed on there.</p> <p>12 Q. And as you sit here today, you      13 have no understanding as to why she would      14 have sent this to you; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. Do you recall, other      17 than seeing this document today, ever seeing      18 this document before?</p> <p>19 A. Yeah, I've seen it before.</p> <p>20 Q. When have you seen it?</p> <p>21 A. Back in 2013.</p> <p>22 Q. Oh, you recall receiving this      23 e-mail from Ms. Spruell in 2013?</p> <p>24 A. I don't recall receiving the      25 e-mail --</p>	<p>1 Q. Do you know who would have      2 ensured that those records were stored on a      3 server?</p> <p>4 A. Kristy would have done that.</p> <p>5 Q. And what's your basis for that      6 statement?</p> <p>7 A. Because it was the program she      8 put together.</p> <p>9 Q. So it was your understanding      10 that Kristy put together this program; is      11 that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. Is it your understanding      14 this program had been in place as of this      15 date?</p> <p>16 A. There was some program prior to      17 that date, which was the order alerts through      18 Reddwerks.</p> <p>19 Q. Is it your understanding that      20 this program changed that program?</p> <p>21 A. No.</p> <p>22 Q. Okay. Is it your understanding      23 this program added to that program?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. It added requirements to</p>

Page 218	Page 220
<p>1 that program, for example?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Did it change the way</p> <p>4 that order alerts were identified?</p> <p>5 MS. FUMERTON: Objection.</p> <p>6 Form.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8 Q. So I'll strike that.</p> <p>9 Did this program reflected in</p> <p>10 Exhibit 7 change the way Walmart identified</p> <p>11 orders of interest for Control II substances?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you know who would know that</p> <p>14 answer?</p> <p>15 A. No, I mean, other than Kristy.</p> <p>16 Q. Okay. Because this note at the</p> <p>17 top says, "Every order of interest will be</p> <p>18 properly and thoroughly investigated."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. So was it your understanding</p> <p>22 that this investigation and evaluation</p> <p>23 requirement was applying to the system</p> <p>24 already in place?</p> <p>25 A. Yes.</p>	<p>1 that?</p> <p>2 A. Maybe somebody in ISD.</p> <p>3 Q. I mean, you were the systems --</p> <p>4 you were the -- kind of the liaison between</p> <p>5 health and wellness and ISD, right?</p> <p>6 A. On enhancements, yes.</p> <p>7 Q. But not on preserving</p> <p>8 information?</p> <p>9 A. No.</p> <p>10 Q. Who would have had that role?</p> <p>11 A. Kristy would have asked for</p> <p>12 that space.</p> <p>13 Q. We talked this morning for some</p> <p>14 time about the alerts over 20 reports.</p> <p>15 Do you recall that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall ever being</p> <p>18 involved in thresholds of a certain</p> <p>19 percentage above a four-week average?</p> <p>20 A. No, I don't recall that.</p> <p>21 (Walmart-Sullins Exhibit 8</p> <p>22 marked for identification.)</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. Okay. You've been handed</p> <p>25 what's been marked as Exhibit 8, which is an</p>
<p style="text-align: center;">Page 219</p> <p>1 Q. Do you know what server would</p> <p>2 have been referred to in 4?</p> <p>3 A. No, not -- I wouldn't know what</p> <p>4 server it would specifically refer to.</p> <p>5 Q. Did Walmart have a dedicated</p> <p>6 server for this type of information during</p> <p>7 this time period?</p> <p>8 A. I don't know.</p> <p>9 Q. Has Walmart ever had a</p> <p>10 dedicated server space for preserving</p> <p>11 investigations of orders of interest?</p> <p>12 A. I know that they started to key</p> <p>13 those into Archer.</p> <p>14 Q. Well, that didn't occur until</p> <p>15 well after this time period; isn't that</p> <p>16 correct?</p> <p>17 A. I don't know when that</p> <p>18 occurred.</p> <p>19 Q. So other than keying</p> <p>20 information into Archer, do you know whether</p> <p>21 Walmart has ever had a dedicated server space</p> <p>22 for preserving investigations of orders of</p> <p>23 interest?</p> <p>24 A. I don't know that.</p> <p>25 Q. Do you know who would know</p>	<p style="text-align: center;">Page 221</p> <p>1 e-mail to -- to Reas Macken, M-a-c-k-e-n,</p> <p>2 cc'ing herself from Miranda Gan, and then her</p> <p>3 response to you and Miranda.</p> <p>4 Just take a moment and review</p> <p>5 this.</p> <p>6 A. Okay.</p> <p>7 Q. I just -- my first question</p> <p>8 will be whether this refreshes your</p> <p>9 recollection as to my previous question</p> <p>10 regarding threshold percentages. Rather,</p> <p>11 threshold based on percentages.</p> <p>12 A. Let me just --</p> <p>13 Q. Sure, yeah, please take your</p> <p>14 time.</p> <p>15 I know you're looking at the</p> <p>16 attachment. I don't want to cut you off at</p> <p>17 all, but I'm not going to be asking questions</p> <p>18 on kind of the labeling portion.</p> <p>19 A. Okay.</p> <p>20 Q. My questions will be focused</p> <p>21 kind of starting on the order level alerts</p> <p>22 page.</p> <p>23 A. Okay.</p> <p>24 Q. So if that helps you at all.</p> <p>25 And that Bates number ends in</p>

Page 222	Page 224
<p>1 9230. That's the first one.</p> <p>2 A. Okay.</p> <p>3 Q. Okay? So I appreciate you</p> <p>4 taking the time to review this.</p> <p>5 This is more within your</p> <p>6 bailiwick, right? This is what you did,</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. So I wanted to then start on</p> <p>10 the first page, which is the e-mail from</p> <p>11 Miranda to -- is it Reas?</p> <p>12 A. Reas.</p> <p>13 Q. -- Reas and yourself.</p> <p>14 Does this -- and Miranda</p> <p>15 writes, "Walmart's health and wellness</p> <p>16 division is working on a monitoring program</p> <p>17 for suspicious orders." And then she asks a</p> <p>18 series of questions.</p> <p>19 Does this document that's</p> <p>20 attached to this e-mail reflect what Walmart</p> <p>21 was doing at the time or what Walmart was</p> <p>22 going to do in the future?</p> <p>23 A. So the attached document is</p> <p>24 what we implemented in 2011.</p> <p>25 Q. Okay. So, for example, in</p>	<p>1 Q. I'm just trying to understand</p> <p>2 how kind of the logic used to flag items in</p> <p>3 1 -- do you see that on that page? -- relates</p> <p>4 to what you just said. Right? Because it</p> <p>5 appears to me that there's three options,</p> <p>6 right?</p> <p>7 And so I'll strike that</p> <p>8 question and we'll start from there.</p> <p>9 If you look at 1, right, on</p> <p>10 that page, on the page ending in 9230 --</p> <p>11 A. Yes.</p> <p>12 Q. You with me?</p> <p>13 It says, "detailed steps and</p> <p>14 action," right?</p> <p>15 One, "logic used to flag an</p> <p>16 item. The logic that is used to flag an item</p> <p>17 is as follows." And then A is, "any order</p> <p>18 that is over 50 items is flagged, regardless</p> <p>19 of percent of the four-week average."</p> <p>20 Was that what was occurring</p> <p>21 since 2011?</p> <p>22 A. Yes. To some items.</p> <p>23 Q. Okay. But that's -- and</p> <p>24 that's -- why do you say "to some items"?</p> <p>25 Because it says -- this says</p>
Page 223	Page 225
<p>1 2011, Walmart implemented those order level</p> <p>2 alerts reflected on page 9230?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Okay. That's helpful.</p> <p>5 And then going back to the</p> <p>6 cover of the e-mail, the question from</p> <p>7 Miranda to Reas is, "Do we have the option to</p> <p>8 turn off the threshold at 30 percent but</p> <p>9 leave the orders over 50 on?"</p> <p>10 What does that refer to?</p> <p>11 A. So there were some items that</p> <p>12 had a hard limit of 50, and then there were</p> <p>13 some items that were the 30 percent</p> <p>14 threshold.</p> <p>15 Q. And how would you determine</p> <p>16 whether an item was -- which item -- strike</p> <p>17 that.</p> <p>18 How would you determine which</p> <p>19 bucket an item fit into, whether it was an</p> <p>20 over 50 or over 30 percent? Because that's</p> <p>21 the source of my confusion.</p> <p>22 MR. BOWER: And I know this is</p> <p>23 a long question, so you can feel free</p> <p>24 to object.</p> <p>25 QUESTIONS BY MR. BOWER:</p>	<p>1 "any order." It doesn't say to "some"</p> <p>2 orders; it says "any" order.</p> <p>3 A. Because it was based on</p> <p>4 items -- it was that flagged item. So it's</p> <p>5 that specific SKU for that -- in that order.</p> <p>6 Q. I understand what you mean.</p> <p>7 Okay. So not any order, but</p> <p>8 any item of over 50 was flagged</p> <p>9 automatically?</p> <p>10 A. Yes.</p> <p>11 Q. Any SKU of over 50 would flag?</p> <p>12 A. That was the logic, yes.</p> <p>13 Q. Well, that's -- that was the</p> <p>14 logic, wasn't it?</p> <p>15 A. I know. But for that specific</p> <p>16 item, if that was the logic, then, yes.</p> <p>17 Q. Were there some -- what do you</p> <p>18 mean by "item"? What's an item?</p> <p>19 A. So it would be an NDC, a</p> <p>20 specific NDC.</p> <p>21 Q. Okay. Were there any NDCs for</p> <p>22 which an order of over 50 would not be</p> <p>23 flagged?</p> <p>24 A. If it had the other logic in</p> <p>25 it.</p>

Page 226	Page 228
<p>1 Q. But those logics are all orders      2 under 50, correct?      3 A. Or if it had a different      4 threshold.      5 Q. But that's not reflected here,      6 is it?      7 The statement you just said, if      8 it had a different threshold, is not      9 reflected in this document, is it?      10 A. Not in this document it's not.      11 Q. So why do you say that an      12 item -- strike that.      13 Why is it your testimony that      14 an order of over 50 for a particular item may      15 not have been flagged?</p> <p>16 MS. FUMERTON: Objection.      17 Form.</p> <p>18 THE WITNESS: Can you repeat      19 that?</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21 Q. Sure. Okay. Let's talk about      22 1 A again, right? 1 A says -- and I'll try      23 to rephrase if that was a poor question.      24 1 A says, "Any order that is      25 over 50 items is flagged," right? What does</p>	<p>1 I don't know that, because I      2 know that there was some that were set      3 at 20.</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. Okay.</p> <p>6 A. But I don't know if they were      7 all set at 50.</p> <p>8 Q. Other than oxy 30, are you      9 aware of any other item that was set at 20?</p> <p>10 A. I'm not aware of it. I don't      11 know.</p> <p>12 Q. Okay. Other than oxy 30, are      13 you aware of any other items that were      14 flagged for an amount other than 50?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you have any reason to      17 believe that C-II products would have had a      18 different threshold than 50?</p> <p>19 A. I don't know.</p> <p>20 Q. And then for -- going on to B,      21 "Any order between 0 and ten items will not      22 be flagged, regardless of percent of      23 four-week average."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>
<p>1 that mean?</p> <p>2 A. So it's based on individual      3 items. So if the order quantity for an item      4 is over 50, it would flag.</p> <p>5 Q. Is that true for all items?</p> <p>6 A. No, it's not true for all      7 items.</p> <p>8 Q. And what's your basis for that      9 statement?</p> <p>10 A. Because of the oxy 30 that we      11 changed to 20.</p> <p>12 Q. Other than for oxy 30, is that      13 statement true for all items?</p> <p>14 A. I can't say that it is because      15 I don't know based on individual items. I      16 can't say that they were all at 50.</p> <p>17 Q. Well, but this is the      18 Reddwerks -- right? This is what Reddwerks      19 was doing. This document reflects the      20 Reddwerks settings, correct?</p> <p>21 A. Right. But you're ask --</p> <p>22 MS. FUMERTON: Objection.      23 Form.</p> <p>24 THE WITNESS: But what you're      25 asking me is, are all items set at 50.</p>	<p>1 Q. That was also in place since      2 2011?</p> <p>3 A. Yes.</p> <p>4 Q. Same for C?</p> <p>5 MS. FUMERTON: Objection.      6 Form.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8 Q. Was the lot -- I'll strike      9 that.</p> <p>10 Was the logic identified in 1 C      11 in place since 2011?</p> <p>12 MS. FUMERTON: Objection.      13 Form.</p> <p>14 THE WITNESS: Yes, that was --      15 that was in place.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. So going down then to 2 B, do      18 you see below that chart there?</p> <p>19 A. Uh-huh.</p> <p>20 Q. By the way, what's this chart?      21 What is this an excerpt from,      22 or what's this a picture of?</p> <p>23 A. It's a picture of the screen      24 inside of Reddwerks.</p> <p>25 Q. And then it has the four-week</p>
Page 227	Page 229

Page 230	Page 232
<p>1 average there. Do you see that?</p> <p>2 Kind of hard to make out, but</p> <p>3 it has -- I believe it has -- the columns are</p> <p>4 customer, item, description, batch, order,</p> <p>5 and that next one is kind of hard to read.</p> <p>6 Then four-week average, current threshold,</p> <p>7 adjusted four-week average, and then percent</p> <p>8 above four-week average.</p> <p>9 A. Yes.</p> <p>10 Q. Do you see that?</p> <p>11 Are there any other columns</p> <p>12 available in Reddwerks other than these?</p> <p>13 MS. FUMERTON: Objection.</p> <p>14 Form. Time frame. I mean, this --</p> <p>15 MR. BOWER: I know, but I'm</p> <p>16 just trying -- I know, but what -- I</p> <p>17 understand, but I'm trying to cut to</p> <p>18 the chase in light of...</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20 Q. Okay. During this time period,</p> <p>21 were there any other columns available in</p> <p>22 Reddwerks other than the ones reflected here?</p> <p>23 A. I don't know, because if there</p> <p>24 were, there would be a scroll bar at the</p> <p>25 bottom, and they only take a snippet of it.</p>	<p>1 4 B have to occur before the order was able</p> <p>2 to be shipped?</p> <p>3 A. Yes.</p> <p>4 Q. Going back to the -- I'm just</p> <p>5 going to ask a couple more questions on that</p> <p>6 page.</p> <p>7 Did this -- this order level</p> <p>8 alert logic and steps we've been talking</p> <p>9 about, did that apply to all DCs?</p> <p>10 A. All DCs.</p> <p>11 Q. Okay.</p> <p>12 A. All items.</p> <p>13 Q. Including 6045, correct?</p> <p>14 A. Yes.</p> <p>15 Q. What is the historical items</p> <p>16 data tab in CSOS?</p> <p>17 A. That is the history of orders</p> <p>18 that were shipped, signed and shipped.</p> <p>19 Q. When did that functionality</p> <p>20 roll out to 6045?</p> <p>21 A. CSOS, we started the pilot in</p> <p>22 2012, the end of the year. So I think it was</p> <p>23 like December of 2012.</p> <p>24 Q. So sometime probably early</p> <p>25 2013, 6045 had that visibility; would that be</p>
<p>Page 231</p> <p>1 Q. Well, are you familiar with any</p> <p>2 other columns that have ever been available</p> <p>3 in Reddwerks?</p> <p>4 A. Yes.</p> <p>5 Q. What are those columns?</p> <p>6 A. Order quantities, shipped</p> <p>7 quantities. I know there's others; I just</p> <p>8 can't recall them all.</p> <p>9 Q. Okay. Appreciate that.</p> <p>10 So then going back to my</p> <p>11 initial question on 2 B there it says, "Cut</p> <p>12 any quantity that is above 50 to an</p> <p>13 appropriate number using the cut quantity</p> <p>14 action under the actions column."</p> <p>15 Had that parameter been in</p> <p>16 place since 2011?</p> <p>17 MS. FUMERTON: Objection.</p> <p>18 Form.</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20 Q. Well, how would you describe</p> <p>21 what's happening in 2 B?</p> <p>22 A. So it's -- it's a -- it's an</p> <p>23 action that you can do inside of the -- that</p> <p>24 link there under the action column.</p> <p>25 Q. Okay. And did that action in</p>	<p>Page 233</p> <p>1 accurate?</p> <p>2 A. Visibility to what?</p> <p>3 Q. To use the historical items</p> <p>4 data tab to review orders.</p> <p>5 A. There was no history there till</p> <p>6 after.</p> <p>7 Q. Okay. So what information is</p> <p>8 reflected in the historical items data tab?</p> <p>9 In other words, what do you mean by history?</p> <p>10 A. So because we had started in</p> <p>11 2012, it was -- there was nothing there from</p> <p>12 the previous shipments.</p> <p>13 Q. In other words, you didn't</p> <p>14 upload any data to CSOS when it was rolled</p> <p>15 out?</p> <p>16 A. No, there was no data to</p> <p>17 upload. It was all paper 222 forms.</p> <p>18 Q. Okay. So if someone was using</p> <p>19 the CSOS system to track unusual orders, how</p> <p>20 would it go about doing so?</p> <p>21 A. I don't know.</p> <p>22 Q. It would have been difficult,</p> <p>23 right, without having the order history,</p> <p>24 correct?</p> <p>25 MS. FUMERTON: Objection.</p>

Page 234	Page 236
<p>1       Sorry. Objection. Form.</p> <p>2           THE WITNESS: I -- I don't 3       know. I mean, there wasn't any in 4       2012 there.</p> <p>5       QUESTIONS BY MR. BOWER:</p> <p>6       Q.      Right.</p> <p>7           I mean, you couldn't look for, 8       for example, an unusual ordering pattern if 9       you couldn't see any ordering history, right?</p> <p>10       A.     Not in CSOS. In a different 11      system you could.</p> <p>12       Q.      What system would you use to 13      look for unusual pattern?</p> <p>14       A.     The other Reddwerks system.</p> <p>15       There were two Reddwerks systems in 6045.</p> <p>16       Q.      There was the C -- CSOS was a 17      Reddwerks system?</p> <p>18       A.     Yes.</p> <p>19       Q.      Okay. And what was the other 20      system called?</p> <p>21       A.     The other Reddwerks system.</p> <p>22       Q.      Didn't have a separate name or 23      anything --</p> <p>24       A.     No.</p> <p>25       Q.      -- just Reddwerks?</p>	<p>1       Form.</p> <p>2           THE WITNESS: Can you ask your 3       question again? I'm sorry.</p> <p>4       QUESTIONS BY MR. BOWER:</p> <p>5       Q.      Oh, sure. Please.</p> <p>6       A.     Can you ask your question 7      again?</p> <p>8       Q.      Oh, sorry. I thought you said, 9       can I ask a question.</p> <p>10       Sorry about that.</p> <p>11       So I'm just wondering whether 12      this reporting flow chart would have had any 13      relationship with your duties and 14      responsibilities.</p> <p>15       Just generally speaking, I can 16      tell you that there's -- Ms. Spruell is 17      sending you a lot of these flowcharts. I'm 18      just trying to understand why.</p> <p>19       A.      Well, I think just to know how 20      the product flows from a systems perspective.</p> <p>21       Q.      All right. So let's just talk 22      about that then.</p> <p>23       From a systems perspective, 24      what does this flow chart mean to you?</p> <p>25       A.      That the order comes in to the</p>
Page 235	Page 237
<p>1       A.     No, it was just the order -- 2       the order fulfillment system. Then you had 3       CSOS.</p> <p>4       Q.      Okay. Sorry, I'm just looking 5       over a couple of things to confirm -- thank 6       you for that.</p> <p>7           (Walmart-Sullins Exhibit 9 8       marked for identification.)</p> <p>9       QUESTIONS BY MR. BOWER:</p> <p>10       Q.     Okay. You've been handed 11      what's marked as Exhibit 9. It's an e-mail 12      from Ms. Spruell to yourself with a one-page 13      attachment. Just take a moment and review 14      it.</p> <p>15       A.     Okay. Okay.</p> <p>16       Q.      Okay. Going back to my 17      question from a couple documents ago, what is 18      your understanding of why Ms. Spruell was 19      sending this now only to yourself?</p> <p>20       A.     I don't know, other than to 21      look at the flow, how the order runs.</p> <p>22       Q.      And would it be important for 23      your job responsibilities to know of the flow 24      that's reflected in the exhibit?</p> <p>25       MS. FUMERTON: Objection.</p>	<p>1       DC, there's an alert for over 20, there's -- 2       there is an alert for over 50 report, and 3       then there's a 405 and 402 report.</p> <p>4       Q.      So can we talk about -- did you 5       have any familiarity with the 405 and 402 6       reports?</p> <p>7       Sorry, strike that.</p> <p>8       Did you have any familiarity 9       with the 405 reports? I guess there's 1 and 10      2.</p> <p>11       A.     Yes. So I knew that they 12      existed and when they broke -- when the job 13      broke, that I got the e-mail from the DC to 14      ask for them to have that job run.</p> <p>15       Q.      Okay. So someone from the DC 16      contacted you with issues regarding the 17      reports at some point, correct?</p> <p>18       A.     Correct.</p> <p>19       Q.      What did you do when you 20      received those communications?</p> <p>21       A.     I would send that on to someone 22      in ISD to take a look at it.</p> <p>23       Q.      Are you familiar with the 24      position drug diversion coordinator?</p> <p>25       A.     No.</p>

Page 238	Page 240
<p>1 Q. Have you ever heard that term?</p> <p>2 A. No.</p> <p>3 Q. You're not aware of whether</p> <p>4 anyone at Walmart held that position or that</p> <p>5 title?</p> <p>6 A. No, I'm not aware of it.</p> <p>7 Q. Bottom right of that -- of the</p> <p>8 attachment there references McKesson --</p> <p>9 McKesson omit report and AmerisourceBergen</p> <p>10 report.</p> <p>11 Do you know what that refers</p> <p>12 to?</p> <p>13 A. No.</p> <p>14 Q. Do you know whether this over</p> <p>15 20 report reflected here took into account</p> <p>16 orders that were directed to McKesson?</p> <p>17 MR. COOPER: Object to form.</p> <p>18 THE WITNESS: No, it did not</p> <p>19 include those.</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21 Q. Did you ever receive any</p> <p>22 communication from anyone at Walmart that</p> <p>23 Walmart should look at all oxy products</p> <p>24 together instead of the products on an NDC</p> <p>25 level?</p>	<p>1 and Kristy Spruell?</p> <p>2 A. No, other than -- no, not</p> <p>3 really. I don't -- I don't.</p> <p>4 Q. Okay. Well, in Mr. Jackson's</p> <p>5 e-mail to Ms. Auldrige, he notes that he was</p> <p>6 working on this "after we talked last week."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And he appears to be suggesting</p> <p>10 "a more accurate depiction of store ordering</p> <p>11 than what we are getting with the over 20</p> <p>12 report."</p> <p>13 Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. Right?</p> <p>16 And his solution would be to</p> <p>17 look at all oxy products ordered by a store,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Was that -- did Walmart have</p> <p>21 that capability from a system standpoint?</p> <p>22 A. We did not.</p> <p>23 Q. And why not? Why couldn't</p> <p>24 Reddwerks have been configured in that</p> <p>25 manner?</p>
<p>1 A. I don't recall that.</p> <p>2 Q. Do you recall ever having that</p> <p>3 discussion with anybody?</p> <p>4 A. No.</p> <p>5 Q. Who is Lucas Jackson?</p> <p>6 A. I don't know.</p> <p>7 (Walmart-Sullins Exhibit 10</p> <p>8 marked for identification.)</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. Okay. You've been handed</p> <p>11 what's marked as Exhibit 10, an e-mail from</p> <p>12 Ms. Auldrige to Ms. Spruell and yourself</p> <p>13 forwarding an e-mail from Mr. Jackson in</p> <p>14 July of 2015. So take a moment and review</p> <p>15 the e-mail and the attachment.</p> <p>16 A. Okay. Okay.</p> <p>17 Q. Okay. Does reviewing this</p> <p>18 document refresh your recollection as to who</p> <p>19 Lucas Jackson may be?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you, as you sit here</p> <p>22 today, recall receiving this e-mail?</p> <p>23 A. I don't recall receiving it.</p> <p>24 Q. Do you have any understanding</p> <p>25 why Donna Auldrige may have sent this to you</p>	<p>1 MS. FUMERTON: Objection.</p> <p>2 Form.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. Strike that.</p> <p>5 Could Reddwerks have been</p> <p>6 configured to look at all oxy products</p> <p>7 together?</p> <p>8 A. I don't know because I can't</p> <p>9 speak for them. It would be something of a</p> <p>10 code change.</p> <p>11 Q. So you never followed up on</p> <p>12 this e-mail; is that correct?</p> <p>13 A. No, because it wasn't addressed</p> <p>14 to me.</p> <p>15 Q. Well, Donna sent you an e-mail,</p> <p>16 correct?</p> <p>17 MS. FUMERTON: Objection.</p> <p>18 Form.</p> <p>19 THE WITNESS: It was addressed</p> <p>20 to Kristy.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Kristy. It was cc'd -- you</p> <p>23 were cc'd on it.</p> <p>24 So it's your testimony that</p> <p>25 because you were cc'd on it, it wasn't</p>

Page 242	Page 244
<p>1 addressed to you; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Did you ever follow up with</p> <p>4 Kristy on this?</p> <p>5 A. I don't recall.</p> <p>6 Q. Did you ever ask anybody about,</p> <p>7 hey, maybe we should look at all oxy products</p> <p>8 together?</p> <p>9 A. I don't recall. I don't</p> <p>10 recall.</p> <p>11 Q. It could have happened; you</p> <p>12 just don't recall?</p> <p>13 A. Yes, it could have happened. I</p> <p>14 don't recall.</p> <p>15 Q. As you sit here today, does it</p> <p>16 concern you that Walmart never looked at oxy</p> <p>17 products together?</p> <p>18 MS. FUMERTON: Objection.</p> <p>19 Form. Lack of foundation.</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21 Q. Well, in light of what you know</p> <p>22 about the opioid crisis today, right, and the</p> <p>23 damage it's causing across the country, does</p> <p>24 it concern you that Walmart never did this?</p> <p>25 MS. FUMERTON: Objection.</p>	<p>1 Q. Up until Buzzeo was rolled out</p> <p>2 to 6045, was the Reddwerks protocol that</p> <p>3 we've already seen today in place until that</p> <p>4 time?</p> <p>5 A. Yes.</p> <p>6 MS. FUMERTON: Objection.</p> <p>7 Form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. Okay. And your counsel</p> <p>11 objected, so I need to clean up that question</p> <p>12 because it's an important one.</p> <p>13 Was the Reddwerks -- let's just</p> <p>14 strike that. I'll turn to the exhibit.</p> <p>15 All right. Going back to</p> <p>16 Exhibit 8. Was the -- we talked for some</p> <p>17 time about the order level alerts on</p> <p>18 Exhibit 8.</p> <p>19 Do you recall that, on the page</p> <p>20 ending in 30? Do you recall that discussion?</p> <p>21 A. Yes, I do recall.</p> <p>22 Q. Were these logic items, or</p> <p>23 logic used to flag items, in place at 6045</p> <p>24 until the rollout of Buzzeo?</p> <p>25 A. No, there was an enhancement to</p>
<p>1 Form. Lack of foundation.</p> <p>2 THE WITNESS: I don't know</p> <p>3 whether they did or did not.</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. Do you know whether Walmart</p> <p>6 ever considered all oxy products together in</p> <p>7 identifying orders of interest?</p> <p>8 A. Yes, they did that with Buzzeo.</p> <p>9 Q. They did that with Buzzeo.</p> <p>10 When did that start?</p> <p>11 A. 2016.</p> <p>12 Q. So is it your understanding</p> <p>13 that Buzzeo combined all orders of certain</p> <p>14 products together when determining certain</p> <p>15 thresholds, for example?</p> <p>16 A. That was my understanding of</p> <p>17 Buzzeo.</p> <p>18 Q. Maybe we should take a step</p> <p>19 back then and just talk about Buzzeo for a</p> <p>20 moment.</p> <p>21 Up until Buzzeo was rolled</p> <p>22 out -- and my questions now are directed to</p> <p>23 6045.</p> <p>24 Okay?</p> <p>25 A. Okay.</p>	<p>1 that.</p> <p>2 Q. And when did that enhancement</p> <p>3 occur? Approximately.</p> <p>4 A. I don't know. I want to say</p> <p>5 2014. I don't know.</p> <p>6 Q. Okay. I don't want you to</p> <p>7 guess. Maybe we'll look at another document</p> <p>8 later that reflects that.</p> <p>9 But in order to save some time,</p> <p>10 do you recall what changes were made with</p> <p>11 respect to how items were flagged in</p> <p>12 connection with that enhancement?</p> <p>13 A. There was still a threshold.</p> <p>14 Q. And were the thresholds changed</p> <p>15 in connection with that enhancement?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall how they were</p> <p>18 changed?</p> <p>19 A. They were changed by</p> <p>20 compliance.</p> <p>21 Q. Okay. Do you recall what that</p> <p>22 change was?</p> <p>23 A. No, they -- I don't know what</p> <p>24 the change was other than they -- each item</p> <p>25 had its own threshold.</p>

Page 246	Page 248
<p>1       Q. Do you recall whether each 2 store also had its own threshold?</p> <p>3       A. It was a store/item 4 combination.</p> <p>5       Q. Was it a numeric threshold or 6 was it percentage-based threshold, if you 7 recall?</p> <p>8       A. I believe it was a numeric 9 threshold.</p> <p>10      Q. Is it your understanding that 11 Walmart used a numeric threshold, at least 12 until the time Buzzeo was rolled out, at 13 6045?</p> <p>14      A. Yes.</p> <p>15      Q. Let me go back then to 16 Exhibit 10 for a moment. So we can close 17 that one out.</p> <p>18      A. Okay.</p> <p>19      Q. Do you disagree with 20 Mr. Jackson's statement that it would be a 21 more accurate depiction of store ordering to 22 look at all oxy products together?</p> <p>23      MS. FUMERTON: Objection. 24      Form.</p> <p>25      THE WITNESS: I don't have</p>	<p>1                   MS. FUMERTON: Objection. 2 Form. 3                   THE WITNESS: I can't answer 4 that. I don't know because it's -- 5 it's not part of what my job 6 responsibilities were, to look at 7 that. 8                   (Walmart-Sullins Exhibit 11 9 marked for identification.)</p> <p>10     QUESTIONS BY MR. BOWER:</p> <p>11      Q. Okay. You've been handed 12 what's been marked as Exhibit 11. It's just 13 a short e-mail from Ms. Spruell again to 14 yourself, Nick Tallman and Theresa Alford, 15 cc'ing Tim Harris.</p> <p>16      Do you see that?</p> <p>17      A. Yes.</p> <p>18      Q. Okay. And there are some 19 redactions here. These were Walmart 20 redactions, just for the record.</p> <p>21      Okay. So let me know when 22 you've finished completing the document. I 23 just have a few questions.</p> <p>24      Okay?</p> <p>25      A. Okay. Okay.</p>
<p>1                   enough knowledge about it.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3        Q. What other information would 4 you need to answer that question?</p> <p>5        A. Because I don't know what all 6 it would include. I don't know.</p> <p>7        Q. Well, he's telling you, right? 8 Here he says, "I think this would be a more 9 accurate depiction of store ordering than 10 what we are getting with the over 20 report. 11 This looks at all oxy products ordered by the 12 store."</p> <p>13      Do you think that he was 14 correct in making that statement?</p> <p>15      MS. FUMERTON: Objection. 16      Form.</p> <p>17      THE WITNESS: That's -- that's 18 out of my -- what I -- what I know and 19 did at Walmart and do at Walmart.</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21      Q. I'm just asking you as you sit 22 here today, with your knowledge of Walmart's 23 ordering process, of the opioid crisis, all 24 of that information: Do you think this 25 statement by Mr. Jackson is accurate?</p>	<p>1                   Q. Okay. So during this time 2 period -- we're now in July 2014, correct?</p> <p>3        A. Uh-huh.</p> <p>4        Q. The Reddwerks flagged items 5 protocol that we discussed earlier is still 6 in place, correct?</p> <p>7        MS. FUMERTON: Objection. 8        Form.</p> <p>9        THE WITNESS: The 2011?</p> <p>10      QUESTIONS BY MR. BOWER:</p> <p>11      Q. Yes.</p> <p>12      A. Yes.</p> <p>13      Q. Okay. So what system upgrades 14 were being discussed here?</p> <p>15      You see that -- "We continue to 16 work to implement system upgrades to provide 17 support for systematic solution."</p> <p>18      Do you see that?</p> <p>19      A. Yes.</p> <p>20      Q. Do you have any idea what 21 system upgrades are being referred to?</p> <p>22      Is this, for example, the 23 Reddwerks enhancement?</p> <p>24      A. Yes.</p> <p>25      Q. So up until this time, the</p>

<p style="text-align: right;">Page 250</p> <p>1 Reddwerks enhancement hasn't rolled out yet, 2 correct? 3 A. That's correct. 4 Q. Okay. Do you know -- again, we 5 see the word "solution," right, "systematic 6 solution"?</p> <p>7 Do you know what that refers 8 to?</p> <p>9 A. No.</p> <p>10 Q. Okay. Number one says, "They 11 don't understand why we can't continue to cut 12 orders."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Did you have an understanding 16 what that meant at this time?</p> <p>17 A. No, I don't.</p> <p>18 Q. Did Walmart at some point stop 19 cutting orders?</p> <p>20 MS. FUMERTON: Objection. Form.</p> <p>22 THE WITNESS: I don't recall.</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. Well, would a decision to cut 25 an order be reflected in Reddwerks?</p>	<p style="text-align: right;">Page 252</p> <p>1 that in 2 there? 2 A. Uh-huh. 3 Q. Where they would like to see a 4 process where all orders are dropped to fill, 5 but any order that includes a product order 6 that was submitted to the HO is 7 questionable -- as a questionable order would 8 be held in a separate area.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Was that ever implemented in 12 Reddwerks?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. When was that change 15 made?</p> <p>16 A. That was part of the enhancement.</p> <p>18 Q. Okay. So as of this date, that 19 hadn't been made yet?</p> <p>20 A. No.</p> <p>21 Q. Did Walmart incur any costs in 22 connection with that Reddwerks enhancement?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Did Walmart have to get 25 approval for incurring those costs?</p>
<p style="text-align: right;">Page 251</p> <p>1 A. Yes.</p> <p>2 Q. Would the parameters in 3 Reddwerks need to be changed -- strike that. 4 Would the settings -- strike 5 that.</p> <p>6 Would any settings in Reddwerks 7 need to be changed if Walmart changed its 8 policy to stop cutting orders?</p> <p>9 MS. FUMERTON: Objection. Form.</p> <p>11 THE WITNESS: Let me make sure 12 I understood what you just said.</p> <p>13 Are you asking if we had to 14 make a change inside of Reddwerks for 15 us not -- to stop cutting orders?</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Yes.</p> <p>18 A. Yes, we would have had to make 19 the change.</p> <p>20 Q. Do you recall making that 21 change or anyone making that change?</p> <p>22 A. No.</p> <p>23 Q. Were the concerns reflected, I 24 guess in 2? Do you see that, holding an order, that type of discussion? Do you see</p>	<p style="text-align: right;">Page 253</p> <p>1 MS. FUMERTON: Objection. 2 Form.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. Strike that.</p> <p>5 Who -- I'll ask it a different 6 way.</p> <p>7 Does your team, the health and 8 wellness team, at this time period have a 9 budget?</p> <p>10 A. For system enhancement?</p> <p>11 Q. Yes.</p> <p>12 A. We did.</p> <p>13 Q. Okay. Did the enhancements to 14 Reddwerks come from that budget?</p> <p>15 A. Not that I'm aware of.</p> <p>16 Q. Who would have funded within 17 the Walmart structure the system enhancements 18 at Reddwerks?</p> <p>19 MS. FUMERTON: Objection. Form.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. In other words, whose budget 23 would have paid for those enhancements?</p> <p>24 A. Compliance.</p> <p>25 Q. Do you know who would have had</p>

Page 254	Page 256
<p>1 to approve those payments at compliance?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. Who would know the</p> <p>4 answer to that question? Ms. Spruell?</p> <p>5 A. Yes.</p> <p>6 Q. Potentially Ms. Hiland?</p> <p>7 A. I don't know. Potentially.</p> <p>8 Q. There are -- and I'm trying to</p> <p>9 skip over some documents here, but there's</p> <p>10 some references to the interim sum process.</p> <p>11 Are you familiar with that?</p> <p>12 A. Yes.</p> <p>13 Q. Would that be the Reddwerks</p> <p>14 enhancement or something different?</p> <p>15 A. Something different.</p> <p>16 Q. Okay. What is the interim sum</p> <p>17 process?</p> <p>18 A. That would have been prior to</p> <p>19 the enhancement.</p> <p>20 Q. Would that be applicable to</p> <p>21 6045?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. What was that process,</p> <p>24 from a systems perspective at least?</p> <p>25 A. There was nothing inside the</p>	<p>1 A. Okay.</p> <p>2 Q. If you see in the meeting</p> <p>3 minutes on this -- kind of the first page of</p> <p>4 the attachment, it has "alert level</p> <p>5 requirement" in the first bullet point. And</p> <p>6 then if you go down a little bit, it has --</p> <p>7 it states that "thresholds will be translated</p> <p>8 from pill count to bottle count."</p> <p>9 And I'm just trying to</p> <p>10 understand how that relates to our earlier</p> <p>11 discussion about -- which I believe was</p> <p>12 50 bottles, with the thresholds tied to</p> <p>13 50 bottles. Okay?</p> <p>14 So with that in mind, take your</p> <p>15 time reviewing that.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. I just want to clarify a</p> <p>18 few things and make sure I'm reading this</p> <p>19 document the correct way.</p> <p>20 Okay?</p> <p>21 A. Okay.</p> <p>22 Q. In that bullet point I</p> <p>23 mentioned where it says, "Thresholds will be</p> <p>24 translated from pill count to bottle count,"</p> <p>25 did that change the way that Reddwerks was</p>
<p style="text-align: center;">Page 255</p> <p>1 system that we did differently. It was --</p> <p>2 it's a manual process.</p> <p>3 Q. Okay. Can you just describe</p> <p>4 generally what that process was then?</p> <p>5 A. I don't recall what that</p> <p>6 process was.</p> <p>7 Q. But it didn't change anything</p> <p>8 from your perspective within Reddwerks?</p> <p>9 A. Not in the system, no.</p> <p>10 (Walmart-Sullins Exhibit 12</p> <p>11 marked for identification.)</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. Okay. You've been handed</p> <p>14 what's been marked as Exhibit 12.</p> <p>15 A. Uh-huh.</p> <p>16 Q. I don't particularly need to</p> <p>17 spend too much time on this, certainly spend</p> <p>18 your time reviewing it.</p> <p>19 It reflects that you were in</p> <p>20 attendance at the meeting, you'll see in the</p> <p>21 last page. But I'm mainly concerned with how</p> <p>22 this relates to our discussion regarding the</p> <p>23 alert levels. And particularly -- I'm not</p> <p>24 trying to cut you off; I just want to show</p> <p>25 you where I am so that you can review.</p>	<p style="text-align: center;">Page 257</p> <p>1 flagging items for review?</p> <p>2 A. They were always -- they were</p> <p>3 always flagging items at bottle count.</p> <p>4 Q. Okay. That's why -- so when it</p> <p>5 says they will be translated from pill count</p> <p>6 to bottle count, that's simply an additional</p> <p>7 piece of information that Reddwerks will be</p> <p>8 providing?</p> <p>9 A. No. The -- the original ask</p> <p>10 was for it to be in pill count, and</p> <p>11 Reddwerks, since we weren't getting -- we</p> <p>12 weren't sending them the pills, asked to</p> <p>13 change that to bottle count.</p> <p>14 Q. Well, then why does it say</p> <p>15 "thresholds will be translated from pill</p> <p>16 count to bottle count"? What does that mean?</p> <p>17 A. I don't know if the threshold</p> <p>18 file that was sent to them was a pill count.</p> <p>19 Q. Okay. So are you referring to</p> <p>20 the threshold file that was sent from Walmart</p> <p>21 to Reddwerks?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. So at some point Walmart</p> <p>24 sent Reddwerks a threshold file?</p> <p>25 A. To upload, yes.</p>

Page 258	Page 260
<p>1 Q. Who would have sent that?</p> <p>2 A. The compliance team.</p> <p>3 Q. Would those files be sent</p> <p>4 anytime a threshold was changed?</p> <p>5 A. Yes.</p> <p>6 Q. Going down another bullet point</p> <p>7 there, kind of the clear bullet point, it</p> <p>8 says, "The DCs will be access to their</p> <p>9 respective servers."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Did each DC have a dedicated</p> <p>13 server?</p> <p>14 A. I don't know.</p> <p>15 Q. Well, who -- if you don't know</p> <p>16 the answer to that question, who would know?</p> <p>17 A. Someone in ISD.</p> <p>18 Q. So a couple -- I'm just trying</p> <p>19 to get some of this terminology down as well.</p> <p>20 A couple of bullet points down</p> <p>21 it says, "The week-to-date quantities will be</p> <p>22 compared to thresholds as they exist in the</p> <p>23 DB to trigger alerts."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p>1 MR. BOWER: Okay. So we've</p> <p>2 been going about an hour. We'll take</p> <p>3 a break. I'll pull out those</p> <p>4 documents. We'll have to go through</p> <p>5 them. Okay?</p> <p>6 MS. FUMERTON: Okay.</p> <p>7 VIDEOGRAPHER: Going off the</p> <p>8 record at 1:13 p.m.</p> <p>9 (Off the record at 1:13 p.m.)</p> <p>10 VIDEOGRAPHER: We're back on</p> <p>11 the record at 1:30.</p> <p>12 (Walmart-Sullins Exhibit 13</p> <p>13 marked for identification.)</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. Okay. I'm going to hand you</p> <p>16 what's been marked as Exhibit 13. It's a</p> <p>17 rather long document, so take a few minutes</p> <p>18 and look at it.</p> <p>19 MS. FUMERTON: Zach, did you</p> <p>20 correct the other document during the</p> <p>21 break?</p> <p>22 MR. BOWER: No, I did not.</p> <p>23 MS. FUMERTON: That's fine. As</p> <p>24 long as we just do it by the end of</p> <p>25 the day.</p>
<p>1 Q. What does the DB refer to? The</p> <p>2 database?</p> <p>3 A. The database.</p> <p>4 Q. Does that refer to the</p> <p>5 Reddwerks database or is there some other</p> <p>6 database?</p> <p>7 A. Reading this, I would -- I</p> <p>8 would say that would be the Reddwerks</p> <p>9 database.</p> <p>10 Q. Do you know whether Reddwerks</p> <p>11 has -- well, strike that.</p> <p>12 Would Walmart also have had to</p> <p>13 send Reddwerks a file for these default</p> <p>14 thresholds in the next bullet point?</p> <p>15 A. To change that threshold, yes.</p> <p>16 Q. So I'm trying to move ahead a</p> <p>17 little bit. There's a few documents</p> <p>18 referencing that you're -- e-mail that you're</p> <p>19 on, discussions regarding rolling out of</p> <p>20 certain things at the DCs. I believe it's</p> <p>21 the Reddwerks enhancement, and the reference</p> <p>22 is to board of directors commitments, time</p> <p>23 commitments.</p> <p>24 Do you recall that?</p> <p>25 A. I don't.</p>	<p>1 Page 259</p> <p>1 MR. BOWER: Yeah.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3 Q. I just have -- so you can keep</p> <p>4 in mind as you review it -- a few questions</p> <p>5 on the e-mail, and then I'll focus on a few</p> <p>6 pages of the attachment.</p> <p>7 A. Okay.</p> <p>8 Q. Page 18 -- principally page 17</p> <p>9 and 18.</p> <p>10 MS. FUMERTON: Feel free to</p> <p>11 orient yourself to the whole document.</p> <p>12 MR. BOWER: Yeah, please do. I</p> <p>13 just wanted to -- some of the stuff is</p> <p>14 kind of irrelevant to this case, so...</p> <p>15 THE WITNESS: You said 17 and</p> <p>16 18?</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. Yes, of the attachment. You</p> <p>19 see they're numbered kind of in the bottom</p> <p>20 left.</p> <p>21 Are you looking at the Bates</p> <p>22 number or the --</p> <p>23 A. Oh, I was looking at the</p> <p>24 PowerPoint number. So the Bates number?</p> <p>25 Q. Yeah. 17, the one that has a</p>

Page 262	Page 264
<p>1 central fill data retention on the top.</p> <p>2 A. Yes.</p> <p>3 Q. And then 18 has suspicious</p> <p>4 order identification monitoring and</p> <p>5 reporting.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. So those two pages.</p> <p>9 But like your counsel said,</p> <p>10 take your time and review it. I'll have some</p> <p>11 questions on that e-mail as well.</p> <p>12 A. Okay. Okay.</p> <p>13 Q. Okay. So this is -- the first</p> <p>14 e-mail is an e-mail from yourself to -- who</p> <p>15 is RJ Hermans, H-a-r-m-a-n-s {sic}?</p> <p>16 A. He was our logistics system</p> <p>17 project manager.</p> <p>18 Q. Okay. Who did he report to?</p> <p>19 A. I believe it was Brian Wagner.</p> <p>20 Q. Okay. And what about Casey</p> <p>21 Campbell, C-a-m-p-b-e-l-l?</p> <p>22 A. He was in compliance.</p> <p>23 Q. Do you know whether he reported</p> <p>24 to Susanne Hiland?</p> <p>25 A. I don't know.</p>	<p>1 be filled by the pharmacist there, and that</p> <p>2 prescription then gets sent back to that</p> <p>3 store for the customer to pick it up.</p> <p>4 Q. So in those circumstances does</p> <p>5 a -- strike that.</p> <p>6 In that scenario you just</p> <p>7 described, who is sending the prescription?</p> <p>8 A. The store is.</p> <p>9 Q. So the store sends the</p> <p>10 prescription to a central location, and the</p> <p>11 central location returns a filled</p> <p>12 prescription?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know whether that</p> <p>15 occurred in Ohio?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know who would know</p> <p>18 that?</p> <p>19 A. Someone in compliance.</p> <p>20 Q. And turning to the next page</p> <p>21 then, page 18, this is -- appears to be a</p> <p>22 timeline for suspicious order identification</p> <p>23 monitoring and reporting.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">Page 263</p> <p>1 Q. Do you know why he's including</p> <p>2 you on his e-mail circulating the compliance</p> <p>3 focus area deck?</p> <p>4 A. I had to present RX</p> <p>5 serialization.</p> <p>6 Q. Is that related to your role</p> <p>7 with NACDS that we discussed earlier?</p> <p>8 A. That was for us to implement</p> <p>9 the Drug Supply Chain Security Act.</p> <p>10 Q. So is it your testimony that</p> <p>11 you didn't have any involvement in the -- for</p> <p>12 example, the data retention system referenced</p> <p>13 on page 17 of the PowerPoint?</p> <p>14 A. No, I did not.</p> <p>15 Q. Okay. Who would have had that</p> <p>16 responsibility?</p> <p>17 A. I don't know. That's related</p> <p>18 to central fill.</p> <p>19 Q. Okay. And what do you mean</p> <p>20 by -- what is central fill?</p> <p>21 A. It's a location that fills</p> <p>22 prescriptions for the store.</p> <p>23 Q. Can you be more specific?</p> <p>24 A. So in some states you can send</p> <p>25 a prescription to a central fill location to</p>	<p style="text-align: center;">Page 265</p> <p>1 Q. During this time period, you</p> <p>2 did have involvement in some of these</p> <p>3 projects, correct?</p> <p>4 A. I had involvement in this</p> <p>5 project, yes.</p> <p>6 Q. Okay. Do you know what -- if</p> <p>7 you see there it says, "Board deliverable</p> <p>8 date, 7/31/2015"?</p> <p>9 Do you see that kind of towards</p> <p>10 the top? It has certain points on the</p> <p>11 timeline. Do you see that?</p> <p>12 A. I'm not --</p> <p>13 Q. So if you look at the top</p> <p>14 right, you see the timeline?</p> <p>15 A. This timeline?</p> <p>16 Q. Yes.</p> <p>17 A. Okay.</p> <p>18 Q. And then kind of -- towards the</p> <p>19 right-hand column towards the bottom, it has</p> <p>20 a board deliverable date of 7/31/2015.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know what that refers</p> <p>24 to?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 266</p> <p>1 Q. Do you know whether the -- a      2 Walmart board or a committee of a Walmart      3 board set a timeline for installation for the      4 SOM rollout reflected here?      5 A. I don't know.      6 Q. Do you know what else that      7 could refer to?      8 A. No, I don't know.      9 Q. If I told you it referred to      10 the Walmart board, would you have any reason      11 to believe that's an inaccurate statement?      12 MS. FUMERTON: Objection.      13 Form.      14 THE WITNESS: I wouldn't know      15 because I don't know who that would      16 be.      17 QUESTIONS BY MR. BOWER:      18 Q. Are you familiar with any other      19 team or group or any other type of similar      20 organization within Walmart that would be      21 referred to as "the board"?      22 MS. FUMERTON: Objection.      23 Form.      24 THE WITNESS: No.      25</p>	<p style="text-align: right;">Page 268</p> <p>1 QUESTIONS BY MR. BOWER:      2 Q. Right.      3 And do you know what data the      4 compliance team provided?      5 A. No.      6 Q. Okay. You weren't involved in      7 that side of the project?      8 A. No.      9 Q. Okay. What about the next      10 bullet point, "proactive tracking of order      11 and industry trends"?      12 Do you see that?      13 A. Yes.      14 Q. Do you know when Walmart      15 started tracking industry trends?      16 A. No, I don't know.      17 Q. Do you know who would have been      18 responsible for that?      19 Would it also have been on the      20 compliance side?      21 MS. FUMERTON: Objection.      22 Form.      23 Go ahead.      24 THE WITNESS: I would assume it      25 would be the compliance team.</p>
<p style="text-align: right;">Page 267</p> <p>1 QUESTIONS BY MR. BOWER:      2 Q. So I just want to go then down      3 to the key deliverables in the bottom left      4 there.      5 A. Uh-huh.      6 Q. Do you know what -- the fourth      7 bullet point says, "Include vendor data and      8 order level limits."      9 Do you know what that means?      10 A. No.      11 Q. Do you know what "vendor data"      12 refers to?      13 A. No.      14 Q. Well, this is a project you      15 were involved with, correct?      16 A. I was involved with the      17 implementation of it, yes.      18 Q. All right. And the      19 implementation included providing certain      20 data to Reddwerks, correct?      21 MS. FUMERTON: Objection.      22 Form.      23 THE WITNESS: Yes, from the      24 compliance team.      25</p>	<p style="text-align: right;">Page 269</p> <p>1 QUESTIONS BY MR. BOWER:      2 Q. So anything on here that you      3 had involvement with?      4 MS. FUMERTON: And you're      5 referring just to this page?      6 MR. BOWER: Yes, this page,      7 sorry.      8 THE WITNESS: The rollout.      9 QUESTIONS BY MR. BOWER:      10 Q. Okay. And just so we're all on      11 the same page, where are you looking?      12 A. Where it says "current week."      13 Q. Okay.      14 A. "Plan to roll out a patch to DC      15 6028."      16 Q. Okay. What was being rolled      17 out? Was this the enhanced Reddwerks at this      18 time period or something else?      19 A. It was our -- the enhancement      20 had already been rolled out. It was just      21 bugs that were being fixed.      22 Q. Okay. So do you know what --      23 under that sort of section where there's      24 current week and prior week, it references      25 "timelines for development to correct</p>

<p>1 inventory visibility."</p> <p>2 What does that refer to?</p> <p>3 A. I don't know.</p> <p>4 Q. Do you know what inventory</p> <p>5 visibility is?</p> <p>6 A. Not the way that it's</p> <p>7 referenced here.</p> <p>8 Q. Okay. Well, how do you -- or</p> <p>9 in what way are you familiar with that term?</p> <p>10 A. There is certain screens inside</p> <p>11 the host system that shows inventory for each</p> <p>12 DC by item.</p> <p>13 Q. By "item," do you mean NDC</p> <p>14 number?</p> <p>15 A. Yes.</p> <p>16 Q. And what do you mean by "host</p> <p>17 system"? What does that refer to?</p> <p>18 A. So it's the -- it's a -- a</p> <p>19 Walmart mainframe system that shows a</p> <p>20 multitude of things where inventory resides.</p> <p>21 Q. Okay. What else does it show?</p> <p>22 A. Purchase orders.</p> <p>23 Q. Do you know how -- for what</p> <p>24 time period it maintains purchase orders?</p> <p>25 A. No, they all have different</p>	<p>Page 270</p> <p>1 just using however you -- whatever you</p> <p>2 meant purchase order, that's what I</p> <p>3 mean.</p> <p>4 THE WITNESS: So purchase order</p> <p>5 is inbound to the C-II facility from</p> <p>6 the supplier.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8 Q. Okay.</p> <p>9 A. That would be inside of</p> <p>10 Teradata.</p> <p>11 Q. And how far back would that go?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. And I think I asked this</p> <p>14 already, but just to be sure, do you know</p> <p>15 whether the information in Teradata is backed</p> <p>16 up anywhere?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know whether it is</p> <p>19 routinely deleted?</p> <p>20 A. I don't know.</p> <p>21 Q. So I'm just going back to the</p> <p>22 timeline then. The installations, you see it</p> <p>23 has certain DCs. For example, 6045</p> <p>24 installation is other -- with references to</p> <p>25 updates.</p>
<p>1 rules on purchase orders.</p> <p>2 Q. What is the longest -- strike</p> <p>3 that.</p> <p>4 Let's say someone needed to</p> <p>5 look back as far as possible for purchase</p> <p>6 orders.</p> <p>7 Where would they go?</p> <p>8 MS. FUMERTON: Objection.</p> <p>9 Form.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. I'll strike that.</p> <p>12 Let's say someone wanted to</p> <p>13 look back as far as they could go for</p> <p>14 purchase orders for C-IIs, okay? Where would</p> <p>15 they go?</p> <p>16 MS. FUMERTON: Objection.</p> <p>17 Form.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. And I'm talking now about any</p> <p>20 time period.</p> <p>21 MS. FUMERTON: My objection is</p> <p>22 actually different. It's to the use</p> <p>23 of the term "purchase order." I just</p> <p>24 want to make sure you're not talk --</p> <p>25 MR. BOWER: That's fine. I'm</p>	<p>Page 271</p> <p>Page 273</p> <p>1 Do you see that? For example,</p> <p>2 it has 6028 update and then 6024 -- 6045</p> <p>3 installation.</p> <p>4 A. Yes.</p> <p>5 Q. What's the difference between</p> <p>6 those two things?</p> <p>7 A. It was already installed in</p> <p>8 6028, so they were doing updates to the bugs</p> <p>9 that we were finding.</p> <p>10 Q. Okay. But it hadn't yet been</p> <p>11 installed in 6045, right?</p> <p>12 A. So it was installed in 6045,</p> <p>13 and then we took it out.</p> <p>14 Q. This is the -- sorry. I'll let</p> <p>15 you finish, sorry.</p> <p>16 A. We took the -- we reverted back</p> <p>17 to the threshold process because of CSOS.</p> <p>18 Q. And why is that?</p> <p>19 A. It wasn't -- when the order was</p> <p>20 held for review, it didn't assign that order</p> <p>21 a new CSOS order ID.</p> <p>22 Q. Okay. So the CSOS and the</p> <p>23 enhanced Reddwerks weren't working together?</p> <p>24 A. They were not.</p> <p>(Walmart-Sullins Exhibit 14</p>

Page 274	Page 276
<p>1       marked for identification.)</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3       Q. Okay. Okay. You've been</p> <p>4 handed what's been marked as Exhibit 14.</p> <p>5 This is going back a little bit in time,</p> <p>6 so...</p> <p>7       It's just a one-page e-mail,</p> <p>8 but take a moment and let me know when you've</p> <p>9 had a chance to review it.</p> <p>10      A. Okay.</p> <p>11      Q. Okay. So I just have a couple</p> <p>12 questions.</p> <p>13      Did you work with Brian Wagner?</p> <p>14      A. Yes.</p> <p>15      Q. Okay. What was his role?</p> <p>16      A. So RJ Hermans reported to Brian</p> <p>17 Wagner, and they were both over on the</p> <p>18 systems -- logistics systems team.</p> <p>19      Q. Okay. So he writes to a bunch</p> <p>20 of folks, including yourself, or cc'ing you,</p> <p>21 referring to the next generation of</p> <p>22 suspicious order monitoring.</p> <p>23      Do you see that?</p> <p>24      A. Uh-huh.</p> <p>25      Q. Is he referring to enhanced</p>	<p>1 team at some point?</p> <p>2       A. Initially I was, and then</p> <p>3 because it -- it never would be sent to the</p> <p>4 DC, I was removed from that team.</p> <p>5       Q. Is that because --</p> <p>6       A. Or that project.</p> <p>7       Q. Sorry, I didn't mean to</p> <p>8 interrupt you.</p> <p>9       And is that because the Buzzeo</p> <p>10 would work before the order got to the DC?</p> <p>11      A. Yes.</p> <p>12      Q. Okay. And that would occur at</p> <p>13 the home office, correct?</p> <p>14      A. Yes.</p> <p>15      Q. Okay. Who were the other</p> <p>16 members of the cross-functional team while</p> <p>17 you were on it?</p> <p>18      A. Miranda, Brian Barker, Brian</p> <p>19 Wagner. I don't know who it was from the</p> <p>20 replenishment team. I think there was David</p> <p>21 Hernon.</p> <p>22      Q. Okay. David was part of the</p> <p>23 replenishment team?</p> <p>24      A. I think he was. I don't</p> <p>25 recall.</p>
<p style="text-align: right;">Page 275</p> <p>1 Reddwerks, or is this the initial kind of RFI</p> <p>2 for Buzzeo?</p> <p>3       A. It is the whole Buzzeo process</p> <p>4 to look for something else.</p> <p>5       Q. Okay. And were you part of</p> <p>6 that process?</p> <p>7       A. I was initially.</p> <p>8       Q. All right. Okay. And for how</p> <p>9 long were you part of that process?</p> <p>10      A. I don't know how long I was in</p> <p>11 it. It was just through the -- through the</p> <p>12 process of looking at what data might be</p> <p>13 needed for that.</p> <p>14      Q. Were you involved in providing</p> <p>15 data to Buzzeo in connection with</p> <p>16 implementing the new system?</p> <p>17      A. No.</p> <p>18      Q. Okay. Do you know who provided</p> <p>19 that data to Buzzeo?</p> <p>20      A. I don't know.</p> <p>21      Q. He references a</p> <p>22 cross-functional team here. Do you see that,</p> <p>23 second paragraph?</p> <p>24      A. Yes.</p> <p>25      Q. Do you know -- were you on that</p>	<p style="text-align: right;">Page 277</p> <p>1       Q. I appreciate that.</p> <p>2       And then what was the -- kind</p> <p>3 of the -- was there any timeline you all were</p> <p>4 under -- working under to roll out this --</p> <p>5 the next generation of the suspicious order</p> <p>6 monitoring program?</p> <p>7       A. I don't recall a timeline in</p> <p>8 the beginning.</p> <p>9       Q. Do you ever recall a timeline?</p> <p>10      A. No.</p> <p>11      Q. It was just as fast as possible</p> <p>12 or something else?</p> <p>13      A. I don't know. I mean, I</p> <p>14 wasn't -- I was in it for the very beginning,</p> <p>15 and when they realized we were going to</p> <p>16 install that prior to it dropping to the DC,</p> <p>17 I wasn't included in any -- in the work</p> <p>18 group.</p> <p>19      Q. At some point, though, you</p> <p>20 became involved again, correct?</p> <p>21      A. When it was installed.</p> <p>22      Q. And why did you become involved</p> <p>23 once it was installed?</p> <p>24      A. Because of the orders that were</p> <p>25 being deleted, the augmented orders.</p>

Page 278	Page 280
<p>1 Q. We'll talk about that in a      2 minute. I just want to -- have a couple more      3 questions on this document.</p> <p>4 Okay?</p> <p>5 A. Okay.</p> <p>6 Q. Did you have an understanding      7 when you were on the team initially, at      8 least, what the framework referred to meant?</p> <p>9 A. That we wanted to install that      10 prior to the order dropping to the DC.</p> <p>11 Q. Did you have any understanding      12 or any discussions -- strike that.</p> <p>13 Were there any discussions as      14 to why Walmart was pursuing the next      15 generation of suspicious order monitoring?</p> <p>16 MS. FUMERTON: Objection.      Form.</p> <p>17 THE WITNESS: No, we were      18 pursuing it from a DC perspective      19 because the current process deducted      20 the inventory, whether you shipped the      21 product or not.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. Is that the only reason?</p> <p>24 MS. FUMERTON: Objection.</p>	<p>1 Buzzeo address that problem?</p> <p>2 A. That would have been upstream,      3 so that would have been prior to the order      4 ever dropping to the DC. The review would be      5 done.</p> <p>6 Q. So it was your understanding      7 that the review would be complete before the      8 order ever hit the DC, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know, in fact, that's --      11 whether that's what happened?</p> <p>12 A. After the install?</p> <p>13 Q. Yes.</p> <p>14 A. Yes.</p> <p>15 Q. That's your understanding?</p> <p>16 A. That's my understanding.</p> <p>17 Q. What's your basis for that?</p> <p>18 A. From the augmented orders that      19 were being deleted.</p> <p>20 Q. What does it mean when you say      21 an augmented order is "deleted"?</p> <p>22 A. So an augmented order is a      23 process within the replenishment system that      24 looks at the need of a product at store level      25 based on sales history. There's some</p>
<p>1 Form.</p> <p>2 THE WITNESS: I don't know. I      3 don't know that that was the only      4 reason.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. Are you aware of any others?</p> <p>7 A. No.</p> <p>8 Q. When you say the current      9 process deducted the inventory whether you      10 shipped the product or not, what do you mean?</p> <p>11 A. So the Redwerks process, the      12 enhancement process, would -- because an      13 order came into the DC, the system      14 automatically deducts that from inventory.      15 So on the screen if it says that you were      16 going to -- you had a hundred and then you      17 had an order for ten, it would reflect 90 in      18 the system and on some reports, but you      19 hadn't yet shipped a bottle of it. So it was      20 always reflecting end-of-day potential      21 process.</p> <p>22 Q. And how would the rollout of --      23 is it Buzzeo or Buzzeo? Buzzeo?</p> <p>24 A. I've heard it as Buzzeo.</p> <p>25 Q. Okay. How would the rollout of</p>	<p>1 algorithm that it does. I don't know what      2 it -- what that algorithm is.</p> <p>3 So then that process -- I don't      4 know the timing of it, but it's -- it was      5 being performed later in the day than when      6 Buzzeo was grabbing all the orders. So      7 then because Buzzeo didn't grab all those      8 orders, it deleted all those augmented picks.</p> <p>9 Q. You said it deleted all those      10 augmented picks?</p> <p>11 A. Yes.</p> <p>12 Q. Who would know what the      13 algorithm was? Who would be responsible for      14 that?</p> <p>15 A. The replenishment systems.</p> <p>16 Q. All right. Is it your      17 testimony that the replenishment systems      18 folks were responsible for the Buzzeo      19 algorithm?</p> <p>20 MS. FUMERTON: Objection.      Form.</p> <p>21 THE WITNESS: That's not what      22 you asked.</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. Okay. Can you clarify that,</p>

Page 282	Page 284
<p>1 what you mean?</p> <p>2 A. You asked --</p> <p>3 Q. I asked who would know, right?</p> <p>4 A. You asked who would know what</p> <p>5 that --</p> <p>6 Q. The algorithm --</p> <p>7 A. The algorithm for the augmented</p> <p>8 picks.</p> <p>9 Q. Right.</p> <p>10 A. And I said replenishment</p> <p>11 systems.</p> <p>12 Q. Okay. Well, then maybe --</p> <p>13 maybe -- you're right, that's a poor</p> <p>14 question.</p> <p>15 What do you mean by algorithm</p> <p>16 for augmented picks?</p> <p>17 A. So it's looking at POS -- past</p> <p>18 POS sales, so what am I selling, and trying</p> <p>19 to take that and predict what I may need at</p> <p>20 store level.</p> <p>21 Q. Okay. So those were algorithms</p> <p>22 directed at store-level demand?</p> <p>23 A. Yes.</p> <p>24 MS. FUMERTON: Objection.</p> <p>25 Form.</p>	<p>1 with.</p> <p>2 David Bonds, B-o-n-d-s?</p> <p>3 A. Yes.</p> <p>4 Q. What was his role?</p> <p>5 A. He was in maintenance. He was</p> <p>6 our maintenance operations manager.</p> <p>7 Q. Maintenance of what?</p> <p>8 A. The conveyors, the lifts, any</p> <p>9 structural work done to the building.</p> <p>10 Q. So maintenance of physical</p> <p>11 structure at the DCs?</p> <p>12 A. Uh-huh.</p> <p>13 (Walmart-Sullins Exhibit 15</p> <p>14 marked for identification.)</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. Okay. You've been handed</p> <p>17 what's been marked as Exhibit 15.</p> <p>18 A. Uh-huh.</p> <p>19 Q. An e-mail from RJ Hermans to</p> <p>20 yourself and a bunch of other folks.</p> <p>21 Do you need a moment to review</p> <p>22 that document?</p> <p>23 A. Yes, please. Okay.</p> <p>24 Q. Okay. I just wanted to talk</p> <p>25 generally here about the time frame around</p>
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. The algorithms you referred to</p> <p>3 were not algorithms that were used for</p> <p>4 suspicious order monitoring; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Are you aware of whether there</p> <p>7 were algorithms for suspicious order</p> <p>8 monitoring?</p> <p>9 MS. FUMERTON: Objection.</p> <p>10 Form.</p> <p>11 THE WITNESS: I was not aware.</p> <p>12 I don't know.</p> <p>13 QUESTIONS BY MR. BOWER:</p> <p>14 Q. Are you aware of whether the</p> <p>15 rollout of Buzzeo had any impact on Walmart's</p> <p>16 suspicious order monitoring program for</p> <p>17 C-IIIs?</p> <p>18 MS. FUMERTON: Objection.</p> <p>19 Form.</p> <p>20 THE WITNESS: I wouldn't have</p> <p>21 any knowledge of that.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. While we're pulling this next</p> <p>24 document, just a couple more names that I</p> <p>25 haven't seen much but you may be familiar</p>	<p>1 this time period.</p> <p>2 The e-mail from RJ mentioned</p> <p>3 "high-level updates, SOM-OLA install</p> <p>4 completed at 6045."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what that refers</p> <p>8 to?</p> <p>9 A. The enhancements.</p> <p>10 Q. This is still the enhancement</p> <p>11 then?</p> <p>12 A. Yes.</p> <p>13 Q. The Reddwerks enhancement?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Was this the reinstall</p> <p>16 after the bugs were fixed or is this the</p> <p>17 initial install?</p> <p>18 A. No, this was the reinstall.</p> <p>19 Q. After this reinstall, did</p> <p>20 everything operate smoothly with respect to</p> <p>21 the way the enhancement worked at 6045?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 THE WITNESS: I don't recall if</p> <p>25 there was issues or not.</p>

Page 286	Page 288
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Do you recall any specific</p> <p>3 issues as you sit here today?</p> <p>4 A. No.</p> <p>5 Q. Do you know -- so if you turn</p> <p>6 to page 1 in the attachment --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- on the bottom there the</p> <p>9 bullet point says, "Reddwerks SOM."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. All right. It says, "Changing</p> <p>13 order level alert logic in Reddwerks' picking</p> <p>14 system to fully utilized enhanced store item</p> <p>15 order level to flag suspended reports on</p> <p>16 suspicious orders."</p> <p>17 Do you know what that refers</p> <p>18 to?</p> <p>19 A. So that was the enhancement.</p> <p>20 Q. That one bullet point reflects</p> <p>21 the enhancement to Reddwerks?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. I'm just trying to understand</p>	<p>1 an order was held for review, it would hold</p> <p>2 the entire store order.</p> <p>3 This change would only hold the</p> <p>4 item that was flagged for review.</p> <p>5 Q. Okay. And just so the record</p> <p>6 is clear, when you say "the entire store</p> <p>7 order," that would include the order for</p> <p>8 other products, or other items, correct?</p> <p>9 A. Yes.</p> <p>10 Q. So now it's being changed to</p> <p>11 only hold the order for that specific item,</p> <p>12 correct?</p> <p>13 A. The item that was alerted, yes.</p> <p>14 (Walmart-Sullins Exhibit 16</p> <p>15 marked for identification.)</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. You've been handed what's been</p> <p>18 marked as Exhibit 16. It's an e-mail from</p> <p>19 yourself attaching an old, I believe, over 20</p> <p>20 report.</p> <p>21 I don't have too many questions</p> <p>22 on the attachment, just maybe a few general</p> <p>23 questions. My questions are focused mainly</p> <p>24 on the e-mails.</p> <p>25 A. Okay.</p>
Page 287	Page 289
<p>1 what you mean by "that was the enhancement."</p> <p>2 A. It's a summary of what his</p> <p>3 report is.</p> <p>4 Q. Is it -- this report, you mean,</p> <p>5 or something else?</p> <p>6 A. No, it's a summary of all his</p> <p>7 projects. These are all projects that he's</p> <p>8 reporting on.</p> <p>9 Q. Okay. So these are all RJ's</p> <p>10 projects?</p> <p>11 A. These are all our projects in</p> <p>12 the distribution center, yes.</p> <p>13 Q. Okay. And this is a summary of</p> <p>14 what was done for the Reddwerks enhancement?</p> <p>15 A. Right.</p> <p>16 Q. What is the -- what does the</p> <p>17 enhanced store item order level refer to?</p> <p>18 A. I can't remember what it's</p> <p>19 referring to.</p> <p>20 Q. Well, can we just then, just so</p> <p>21 that I'm clear, I guess -- maybe I'm confused</p> <p>22 now. But what -- the first part of this</p> <p>23 says, "changing order level alert logic."</p> <p>24 What does that mean?</p> <p>25 A. So the original threshold, if</p>	<p>1 Q. That's all.</p> <p>2 A. Okay.</p> <p>3 Q. Okay. First, where did you get</p> <p>4 this old report from?</p> <p>5 A. The old report?</p> <p>6 Q. Uh-huh.</p> <p>7 A. The -- I kept it.</p> <p>8 Q. This is an e-mail -- an e-mail</p> <p>9 that you sent in 2017, right?</p> <p>10 A. Right.</p> <p>11 Q. Okay. And so where did you --</p> <p>12 where did you keep it?</p> <p>13 A. In my e-mail.</p> <p>14 Q. Okay. Do you have any other</p> <p>15 reports in your e-mails?</p> <p>16 A. I'm sure there is. I don't</p> <p>17 know what they are.</p> <p>18 Q. Has anyone asked for them --</p> <p>19 strike that.</p> <p>20 Has anyone asked you to produce</p> <p>21 them in connection with this case?</p> <p>22 A. No.</p> <p>23 Q. Does the -- does the exhibit</p> <p>24 reflect one report?</p> <p>25 MS. FUMERTON: Let me just give</p>

<p style="text-align: right;">Page 290</p> <p>1 some clarification because there's      2 actually sort of two e-mails and      3 then --</p> <p>4 MR. BOWER: Why don't we not      5 have testimony from counsel on the      6 record. If we need to clarify it off      7 record, we can do it, but...</p> <p>8 MS. FUMERTON: Well, okay.      9 Well, I didn't question -- I object to      10 the question then because I think it's      11 unclear.</p> <p>12 THE WITNESS: What was your      13 question?</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. Does the report that you're      16 sending, is it one report?      17 Your e-mail reflects --      18 states -- actually your e-mail states,      19 "Attached is an old report," suggesting it's      20 your own report. But if you look at the      21 report itself, it has various dates on it.</p> <p>22 Do you see the first page,      23 7/30/2012 in the top left?</p> <p>24 A. Right.</p> <p>25 Q. And the second page, 7/31/2012.</p>	<p style="text-align: right;">Page 292</p> <p>1 QUESTIONS BY MR. BOWER:      2 Q. If you look at the reports      3 themselves, if you look at, for example, the      4 report dated 8/3/2012.      5 Do you see that one?      6 A. Yes.      7 Q. You note in the comment section      8 it says, "Two previous orders this week total      9 20. Today's McKesson's order will be cut."      10 Do you see that?      11 A. Yes.      12 Q. Do you know why someone at      13 Walmart would have been cutting an order for      14 McKesson?      15 MR. COOPER: Objection.      16 Foundation.      17 MS. FUMERTON: Objection.      18 Form.</p> <p>19 QUESTIONS BY MR. BOWER:      20 Q. Well, let me lay the foundation      21 then since that's apparently an objection.      22 You received this e-mail in      23 2012 at the time it was created, this report,      24 right? It looks like on Bates number 11628.      25 Do you see that?</p>
<p style="text-align: right;">Page 291</p> <p>1 Third page is 8/3/2012.      2 A. It was --      3 Q. And 8/6, right? And then 8/7,      4 and then 8/8, and then 8/2, and then 8/6      5 again, 8/14 and 8/15.      6 So I'm just trying to      7 understand what exactly it is that you      8 forwarded on to Chad and Jeff and Nick.      9 A. It was one report with multiple      10 tabs.      11 Q. Can you explain to us why one      12 report would have multiple tabs with      13 different dates?      14 A. That's how it was created by      15 the DC.      16 Q. Weren't those reports created      17 on a daily basis?      18 A. Yes.      19 Q. So why would one report have      20 multiple tabs from -- stretching more than --      21 over more than two weeks?      22 MS. FUMERTON: Objection.      23 Form.      24 THE WITNESS: I don't know.      25</p>	<p style="text-align: right;">Page 293</p> <p>1 A. Yes.      2 Q. Jimmie Sherl sent it to      3 yourself, Mike Mullin, Theresa Alford, cc'ing      4 Sharon Morton, Jeff Abernathy and Teresa      5 Miller, right?      6 A. Yes.      7 Q. So when you received this      8 report in 2012, was it your understanding      9 that Walmart was cutting orders that were      10 placed by the pharmacies to McKesson?      11 MS. FUMERTON: Objection.      12 Form.</p> <p>13 THE WITNESS: I was not aware.</p> <p>14 QUESTIONS BY MR. BOWER:      15 Q. Do you know whether that's      16 consistent with Walmart's policies?      17 MS. FUMERTON: Objection.      18 Form.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 QUESTIONS BY MR. BOWER:      21 Q. Well, let me ask you this then.      22 Do you know who would have been providing      23 those comments?      24 A. The distribution center.      25 Q. And that would have been</p>

<p style="text-align: right;">Page 294</p> <p>1 Mr. Sherl, correct?</p> <p>2 A. It could have been Mr. Sherl.</p> <p>3 It could have been Jeff. It could have been</p> <p>4 Mike. It could have been Sharon or Teresa.</p> <p>5 I don't know who put the spreadsheet together</p> <p>6 by date.</p> <p>7 Q. But it's your understanding</p> <p>8 these spreadsheets were put together on a</p> <p>9 daily basis, correct?</p> <p>10 A. That was my understanding.</p> <p>11 Q. Do you know, for example, if</p> <p>12 you look to the -- look at the report on</p> <p>13 7/30/2012. They have a column quantity and</p> <p>14 then a shipped quantity.</p> <p>15 Do you see that? Just looking</p> <p>16 at the first one there.</p> <p>17 A. Yes.</p> <p>18 Q. Those are all oxy 30s that were</p> <p>19 cut to 20, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you know whether</p> <p>22 those were reported to the DEA?</p> <p>23 A. I don't know.</p> <p>24 Q. Do you know whether anyone else</p> <p>25 received these reports other than the folks</p>	<p style="text-align: right;">Page 296</p> <p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Well, what's your understanding</p> <p>3 as to whether, for example, the order in</p> <p>4 Mount Pleasant, South Carolina, for 28 of</p> <p>5 oxycodone 15s, whether that order was -- for</p> <p>6 20 was shipped?</p> <p>7 A. I wouldn't -- I don't know</p> <p>8 based off of this.</p> <p>9 Q. What else would you need to</p> <p>10 know to know whether the order was shipped?</p> <p>11 A. To see what was invoiced.</p> <p>12 Q. And where would you look to get</p> <p>13 that information?</p> <p>14 A. On Teradata.</p> <p>15 Q. So going back now to the</p> <p>16 e-mail, Chad's -- I'm sorry, Jeff's writing</p> <p>17 to Chad and cc'ing -- look at the e-mail on</p> <p>18 the bottom of that page -- cc'ing yourself</p> <p>19 and Nick.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. It says, "West Virginia called</p> <p>23 follow-up." Or "WV called follow-up."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 295</p> <p>1 on this e-mail?</p> <p>2 A. I don't know.</p> <p>3 Q. Did you send this report to</p> <p>4 anybody when you received it?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you know whether Walmart</p> <p>7 would have been required to report those cuts</p> <p>8 to the DEA?</p> <p>9 A. I don't know.</p> <p>10 Q. Did you ever ask anybody?</p> <p>11 A. No.</p> <p>12 Q. And then if you look at the</p> <p>13 other products, right, there's Endocet 10,</p> <p>14 oxycodone 15, some other oxy products.</p> <p>15 There's a quantity, but the shipped quantity</p> <p>16 for those is empty.</p> <p>17 Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. Does that mean that those</p> <p>20 orders were shipped with the quantity</p> <p>21 reflected in the QTY column?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 THE WITNESS: I don't know.</p> <p>25</p>	<p style="text-align: right;">Page 297</p> <p>1 Q. Do you know what that refers</p> <p>2 to?</p> <p>3 A. What WV stands for?</p> <p>4 Q. Yeah.</p> <p>5 A. I would assume West Virginia.</p> <p>6 Q. This is -- this occurred in</p> <p>7 2017, right?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have a discussion with</p> <p>10 Chad about oxy 30 in 2017?</p> <p>11 MS. FUMERTON: Objection to</p> <p>12 form.</p> <p>13 THE WITNESS: I don't recall.</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. Well, do you see he notes that</p> <p>16 "Ramona thought this was done because of</p> <p>17 concerns being raised by Florida and WV"?</p> <p>18 Do you see that?</p> <p>19 A. I see that.</p> <p>20 Q. Do you recall conveying that</p> <p>21 information to Chad?</p> <p>22 A. No, I don't recall that.</p> <p>23 Q. So it could have been the case</p> <p>24 that folks were raising concerns about oxy 30</p> <p>25 in Florida and West Virginia which required</p>

Page 298	Page 300
<p>1 Walmart to impose cuts, right?</p> <p>2 MS. FUMERTON: Objection.</p> <p>3 Form.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. Well, Chad writes, "Before the</p> <p>7 SOM program, there was an issue with</p> <p>8 oxycodone 30 MG in which Kristy S. had 6045</p> <p>9 cut all orders over 20 bottles of oxy 30 to</p> <p>10 20 bottles."</p> <p>11 Do you see that?</p> <p>12 A. From Jeff, yes, to Chad.</p> <p>13 Q. And then he writes, "Ramona</p> <p>14 thought this was done because of concerns</p> <p>15 being raised by Florida and West Virginia."</p> <p>16 Do you see that?</p> <p>17 A. I see that.</p> <p>18 Q. And that refers to you,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. But as you sit here</p> <p>22 today, you don't have any recollection of</p> <p>23 this conversation?</p> <p>24 A. I do not.</p> <p>25 Q. And you don't have any</p>	<p>1 she can answer if you're not restating</p> <p>2 your question.</p> <p>3 And if you are restating your</p> <p>4 question, I object to the third</p> <p>5 question and the supplement.</p> <p>6 THE WITNESS: I don't recall.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8 Q. You don't recall one way or the</p> <p>9 other, correct?</p> <p>10 A. I don't recall.</p> <p>11 Q. So it could have been the case</p> <p>12 that at some point you became aware that</p> <p>13 Walmart was having diversion concerns in West</p> <p>14 Virginia and Florida, correct?</p> <p>15 MS. FUMERTON: Objection.</p> <p>16 Form.</p> <p>17 THE WITNESS: I do not recall.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Do you have any reason to doubt</p> <p>20 that you -- that Chad is -- strike that.</p> <p>21 Do you have any reason to doubt</p> <p>22 that Chad is accurately reflecting the</p> <p>23 conversation he had with you in this e-mail?</p> <p>24 MS. FUMERTON: Objection.</p> <p>25 Form. Misstates the document.</p>
<p style="text-align: center;">Page 299</p> <p>1 recollection as to why Walmart decided to cut</p> <p>2 oxy 30 orders, do you?</p> <p>3 A. I do not.</p> <p>4 MS. FUMERTON: Objection.</p> <p>5 Form.</p> <p>6 Just give me a second. Go</p> <p>7 ahead.</p> <p>8 THE WITNESS: I do not.</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. So it could have been that at</p> <p>11 some point you became aware of diversion</p> <p>12 occurring in Florida and West Virginia,</p> <p>13 correct?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form. Lack of foundation.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Well, you just don't recall,</p> <p>18 right?</p> <p>19 MS. FUMERTON: Objection.</p> <p>20 Form.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Could have happened?</p> <p>23 MS. FUMERTON: Objection to the</p> <p>24 three questions that have been asked.</p> <p>25 She hasn't -- if I make an objection,</p>	<p style="text-align: center;">Page 301</p> <p>1 THE WITNESS: The document</p> <p>2 is -- or the e-mail is from Jeff.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. Oh, excuse me. Okay.</p> <p>5 So he's writing to Chad, right?</p> <p>6 A. Yes.</p> <p>7 Q. And he's writing, "Chad, I</p> <p>8 talked to Nick and Ramona about the call we</p> <p>9 were on today. Here are some thoughts we</p> <p>10 had."</p> <p>11 Do you see that?</p> <p>12 A. I see that.</p> <p>13 Q. And then he goes on to say,</p> <p>14 "Ramona thought this was done," "this" being</p> <p>15 the decision to cut oxy 30s to 20, right?</p> <p>16 A. Yes.</p> <p>17 Q. That that was done because of</p> <p>18 concerns being raised by Florida and West</p> <p>19 Virginia.</p> <p>20 Do you see that?</p> <p>21 A. I see that.</p> <p>22 Q. Do you have any reason to doubt</p> <p>23 that Jeff's statement is incorrect regarding</p> <p>24 what you told him?</p> <p>25 MS. FUMERTON: Objection. Form</p>

<p style="text-align: right;">Page 302</p> <p>1 and lack of foundation.</p> <p>2 THE WITNESS: He was talking to</p> <p>3 both of us, Nick and myself. I don't</p> <p>4 know -- I don't recall.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. He's stating there that Ramona</p> <p>7 thought this was done. He's stating there</p> <p>8 that you told him that one of the reasons</p> <p>9 that oxy 30 was being cut was because of</p> <p>10 concerns being raised by Florida and West</p> <p>11 Virginia, isn't he?</p> <p>12 MS. FUMERTON: Objection.</p> <p>13 Form.</p> <p>14 THE WITNESS: That -- that's</p> <p>15 what he's stating. I don't recall the</p> <p>16 conversation.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. Well, do you have any reason to</p> <p>19 doubt the veracity of the statement?</p> <p>20 MS. FUMERTON: Objection.</p> <p>21 Form.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. As you sit here -- I'll strike</p> <p>24 that.</p> <p>25 As you sit here today, do you</p>	<p style="text-align: right;">Page 304</p> <p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Do you have any idea, either</p> <p>3 today or back in 2017, why Jeff would make</p> <p>4 this up?</p> <p>5 MS. FUMERTON: Objection.</p> <p>6 Form. Lack of foundation.</p> <p>7 THE WITNESS: I do not recall</p> <p>8 the conversation.</p> <p>9 MR. BOWER: Can you read back</p> <p>10 my -- I move to strike that answer.</p> <p>11 Can you just read back the previous</p> <p>12 question?</p> <p>13 (Court Reporter read back</p> <p>14 question.)</p> <p>15 MS. FUMERTON: Objection.</p> <p>16 Form. Lack of foundation again.</p> <p>17 THE WITNESS: No, I do not.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Jeff isn't asking a question</p> <p>20 here, is he?</p> <p>21 MS. FUMERTON: Objection.</p> <p>22 Form.</p> <p>23 THE WITNESS: I don't see a</p> <p>24 question.</p>
<p style="text-align: right;">Page 303</p> <p>1 have any reason to doubt that the statement</p> <p>2 here by Jeff is inaccurate?</p> <p>3 A. Well, the fact that he's</p> <p>4 talking to two of us, that makes me doubt it.</p> <p>5 Q. And why is that?</p> <p>6 A. Because I don't recall the</p> <p>7 conversation.</p> <p>8 Q. So is it your testimony that</p> <p>9 you doubt it because as you sit here today</p> <p>10 you don't recall it? Is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And you think Jeff was making</p> <p>13 it up?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form.</p> <p>16 THE WITNESS: I don't know what</p> <p>17 Jeff was doing.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Well, either his statement here</p> <p>20 is accurate or it's inaccurate, right?</p> <p>21 MS. FUMERTON: Objection.</p> <p>22 Form.</p> <p>23 THE WITNESS: I just do not</p> <p>24 recall the conversation.</p> <p>25</p>	<p style="text-align: right;">Page 305</p> <p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. In fact, right, he's making a</p> <p>3 statement, and the statement is, "Ramona</p> <p>4 thought this was done because of concerns</p> <p>5 being raised by Florida and West Virginia."</p> <p>6 That's his statement, correct?</p> <p>7 A. That's his statement.</p> <p>8 Q. And you are calling that</p> <p>9 statement into question today; is that</p> <p>10 correct?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form. Misstates prior testimony.</p> <p>13 THE WITNESS: I'm saying I</p> <p>14 don't recall the conversation.</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. Are you saying as you sit here</p> <p>17 today that you did not think that the</p> <p>18 decision to cut oxy 30 to 20 bottles was</p> <p>19 being done because of concerns being raised</p> <p>20 by Florida and West Virginia?</p> <p>21 MS. FUMERTON: Objection.</p> <p>22 Form.</p> <p>23 THE WITNESS: I'm saying I</p> <p>24 don't recall the conversation.</p> <p>25</p>

<p style="text-align: right;">Page 306</p> <p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. And I understand you don't</p> <p>3 recall the conversation, but you also have</p> <p>4 testified that you don't believe that Jeff</p> <p>5 accurately reflected the conversation,</p> <p>6 correct?</p> <p>7 MS. FUMERTON: Objection.</p> <p>8 Form. Misstates prior testimony.</p> <p>9 MR. BOWER: Okay. So let me</p> <p>10 ask that question then.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. Do you believe that Jeff's</p> <p>13 e-mail accurately reflects the conversation</p> <p>14 you had with him?</p> <p>15 A. I don't recall the</p> <p>16 conversation. I can't say yes or no to that</p> <p>17 question.</p> <p>18 Q. Well, do you have -- and that's</p> <p>19 what I'm trying to get at, as to why you're</p> <p>20 doubting it.</p> <p>21 Do you have any reason to doubt</p> <p>22 that Jeff would convey a conversation that</p> <p>23 you had in a way that was inaccurate?</p> <p>24 MS. FUMERTON: Objection.</p> <p>25</p>	<p style="text-align: right;">Page 308</p> <p>1 conversation the same day it occurred,</p> <p>2 correct?</p> <p>3 MS. FUMERTON: Objection.</p> <p>4 Form. Lack of foundation.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. Well, let's just read it then.</p> <p>7 Jeff is writing to Chad. "Chad, I talked to</p> <p>8 Nick and Ramona about the call we were on</p> <p>9 today."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Does that suggest to you that</p> <p>13 Jeff is writing this e-mail about a</p> <p>14 conversation he had with you on the same day?</p> <p>15 MS. FUMERTON: Objection.</p> <p>16 Form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. He goes on to write, "Here are</p> <p>20 some thoughts we had," correct?</p> <p>21 A. Yes, that's what it states.</p> <p>22 Q. "And one of those thoughts that</p> <p>23 we had," he notes, "is that Ramona thought</p> <p>24 this was done because of concerns being</p> <p>25 raised by Florida and West Virginia," right?</p>
<p style="text-align: right;">Page 307</p> <p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. I'll strike that.</p> <p>3 Do you have any reason to</p> <p>4 believe that Jeff would describe a</p> <p>5 conversation you had had with him the same</p> <p>6 day in an inaccurate way?</p> <p>7 MS. FUMERTON: Objection.</p> <p>8 Form. Lack of foundation.</p> <p>9 THE WITNESS: I just do not</p> <p>10 recall the conversation. I can't</p> <p>11 answer that question yes or no.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. And I understand you don't</p> <p>14 recall it, but Jeff wrote this e-mail the</p> <p>15 same day the conversation allegedly occurred,</p> <p>16 correct?</p> <p>17 MS. FUMERTON: Objection. Form</p> <p>18 and lack of foundation.</p> <p>19 THE WITNESS: Yes.</p> <p>20 QUESTIONS BY MR. BOWER:</p> <p>21 Q. And as you sit here today, you</p> <p>22 don't recall the conversation, correct?</p> <p>23 A. I do not recall the</p> <p>24 conversation.</p> <p>25 Q. But Jeff wrote about that</p>	<p style="text-align: right;">Page 309</p> <p>1 That's what he states?</p> <p>2 A. That's what he states.</p> <p>3 Q. And he's making that statement</p> <p>4 on the same day that the conversation</p> <p>5 occurred, correct?</p> <p>6 MS. FUMERTON: Objection.</p> <p>7 Form. Lack of foundation.</p> <p>8 THE WITNESS: He's making the</p> <p>9 statement.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. And I understand that you --</p> <p>12 your testimony is that you don't recall</p> <p>13 making the statement. But as you sit here</p> <p>14 today, my question is, do you have any reason</p> <p>15 to doubt that Jeff accurately reflected a</p> <p>16 conversation he had with you?</p> <p>17 MS. FUMERTON: Objection. Form</p> <p>18 and lack of foundation and asked and</p> <p>19 answered.</p> <p>20 THE WITNESS: I do not know.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. And what is it that you don't</p> <p>23 know?</p> <p>24 A. Whether or not he made the</p> <p>25 statement correctly or incorrectly.</p>

Page 310	Page 312
<p>1 Q. As you sit here today, do you      2 have any reason to believe -- to believe that      3 his statement reflecting a conversation he      4 had with you is inaccurate?</p> <p>5 MS. FUMERTON: Objection.      6 Form. Lack of foundation. This has      7 been asked numerous times.</p> <p>8 THE WITNESS: I do not recall.</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. I'm not asking you to recall      11 the statement. I'm asking you again -- and I      12 understand there's going to be an objection,      13 but you haven't answered the question.</p> <p>14 As you sit here today, do you      15 have any reason to believe that Jeff would      16 reflect a conversation he had with you in an      17 inaccurate way?</p> <p>18 MS. FUMERTON: Objection.      19 Form. Lack of foundation. Misstates      20 the testimony, and I disagree with      21 your characterization.</p> <p>22 MR. BOWER: All right. Let me      23 strike it. Let me get at it a      24 different way.</p> <p>25</p>	<p>1 questioning the statement as it's written and      2 saying it's not accurate.      3 And I'm asking you why you      4 believe it's not an accurate statement.</p> <p>5 MS. FUMERTON: Objection. Form      6 and misstates her testimony.</p> <p>7 I've been giving a lot of      8 leeway for you to go at this many      9 ways, as I understand you have that,      10 but at some point it becomes harassing      11 if you keep asking the same question      12 and misstating the testimony every      13 time.</p> <p>14 MR. BOWER: She's not answering      15 the question. So let me just try it      16 one more time --</p> <p>17 MS. FUMERTON: I disagree.</p> <p>18 MR. BOWER: -- and then we'll      19 just ask to read back the question.</p> <p>20 Okay.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Jeff writes in an e-mail to      23 Chad, yourself and Nick on March 30, 2017,      24 correct?</p> <p>25 A. Correct.</p>
Page 311	Page 313
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Jeff makes the statement in his      3 e-mail that "Ramona thought this was done      4 because of concerns being raised by Florida      5 and West Virginia," right? That's what Jeff      6 writes?</p> <p>7 A. That's what Jeff writes.</p> <p>8 Q. Do you doubt that that      9 statement is accurate?</p> <p>10 MS. FUMERTON: Objection.      11 Form. Asked and answered.</p> <p>12 THE WITNESS: With the people      13 present there, I don't know. I don't      14 know who made the statement.</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. So is that a yes, you do doubt      17 that you told that information to Jeff?</p> <p>18 MS. FUMERTON: Objection.      19 Form. Asked and answered.</p> <p>20 THE WITNESS: Because I don't      21 recall the statement, I don't know.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. And, look, I don't think this      24 is difficult. I understand that you don't      25 recall making the statement, but you're</p>	<p>1 Q. Sends an e-mail.      2 In that e-mail he states that      3 "before the SOM program, there was an issue      4 with oxycodone 30 MG in which Kristy S. had      5 6045 cut all orders over 20 bottles of oxy 30      6 to 20 bottles."</p> <p>7 Do you see that?</p> <p>8 A. I see that.</p> <p>9 Q. And do you have any reason to      10 doubt that statement?</p> <p>11 A. I do because Kristy didn't send      12 the e-mail. I did.</p> <p>13 Q. And who ordered you to send the      14 e-mail?</p> <p>15 MS. FUMERTON: Objection.      16 Form.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Did you decide -- was it your      20 decision to cut all oxy orders over      21 20 bottles to 20?</p> <p>22 A. No. As I stated before, it      23 was -- I was directed to send that      24 information to -- to the DCs.</p> <p>25 Q. Right.</p>

Page 314	Page 316
<p>1        It doesn't say that Kristy      2 directed the DCs. It says Kristy made the      3 decision, right? Kristy had 6045 cut all      4 orders.</p> <p>5        MS. FUMERTON: Objection.      6        Form. Misstates this document.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8        Q. Well, that's what it says,      9 right? "Kristy S. had 6045 cut all orders,"      10 right?</p> <p>11      A. But Kristy didn't ask them to      12 do that.</p> <p>13      Q. Oh. Is that what it says?</p> <p>14      MS. FUMERTON: Objection.      15      Form.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17      Q. It suggests that Kristy made      18 the decision, doesn't it?</p> <p>19      MS. FUMERTON: Objection.      20      Form. Misstates the document. Lack      21 of foundation and asked and answered.</p> <p>22        THE WITNESS: That's not how I      23 read it.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25      Q. How do you read it?</p>	<p>1        A. I don't know if she was on the      2 team or if she was still in compliance or      3 what. I do not know.</p> <p>4        Q. But either way it wasn't you,      5 right?</p> <p>6        A. It was not me.</p> <p>7        Q. It wasn't part of your      8 responsibility, right, to decide to cut      9 orders of oxy 30, right?</p> <p>10      A. That's correct.</p> <p>11      Q. The next sentence of the e-mail      12 says, "Ramona thought that this" --      13        And "this" refers to the cuts      14 of oxy 30, right?</p> <p>15      MS. FUMERTON: Objection.      16      Form. Lack of foundation.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18      Q. What do you believe that "this"      19 refers to?</p> <p>20      A. The oxy 30.</p> <p>21      Q. Okay. So "Ramona believes that      22 this decision to cut oxy 30 was done because      23 of concerns being raised by Florida and West      24 Virginia."</p> <p>25        Right? That's the intent of</p>
<p style="text-align: center;">Page 315</p> <p>1      A. To me, he spoke to Kristy as      2 well.</p> <p>3      Q. Where does he say he spoke to      4 Kristy?</p> <p>5      A. It doesn't say that. That's --      6 I'm just saying that how I read it is he      7 spoke to Kristy, and Kristy directed the DCs      8 to cut that.</p> <p>9        But the e-mail didn't come from      10 Kristy. The e-mail came from me.</p> <p>11      Q. So it was you that directed the      12 DCs to cut oxy 30 to 20?</p> <p>13      A. Based off of what I was told to      14 send to the DCs.</p> <p>15      Q. And was it you that made the      16 decision to --</p> <p>17      A. No.</p> <p>18      Q. Who made that decision?</p> <p>19      A. I don't know.</p> <p>20      Q. Okay. So the decision was      21 made, and you carried out the decision,      22 correct?</p> <p>23      A. Yes.</p> <p>24      Q. Kristy S. could have made the      25 decision, correct?</p>	<p style="text-align: center;">Page 317</p> <p>1        the statement that he's making, correct?</p> <p>2        MS. FUMERTON: Objection.      3        Form. Lack of foundation.</p> <p>4        THE WITNESS: That's what the      5 statement says.</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7        Q. Okay. Is that an accurate      8 statement?</p> <p>9        MS. FUMERTON: Objection.      10       Asked and answered.</p> <p>11        THE WITNESS: I don't recall      12 it.</p> <p>13        MS. FUMERTON: Lack of      14 foundation.</p> <p>15        MR. BOWER: Can you read      16 back -- I move to strike that answer.      17       Can you please read back the question?</p> <p>18        MS. FUMERTON: Zach, it's      19 fundamentally unfair, if somebody's      20 repeatedly telling you they don't      21 recall something, whether or not it's      22 an accurate statement.</p> <p>23        She's answered that seven ways      24 from Sunday as to she does not      25 recall --</p>

Page 318	Page 320
<p>1           MR. BOWER: The question isn't      2 whether --      3           MS. FUMERTON: -- the      4 conversation. You asked whether or      5 not it's accurate.      6           MR. BOWER: I would appreciate      7 the speaking objections to end, okay?      8 It's not -- and just to be clear, my      9 question isn't whether you recall the      10 statement. The question is whether      11 the statement is an accurate      12 statement.</p> <p>13          MS. FUMERTON: Objection. Form      14 and lack of foundation.</p> <p>15          THE WITNESS: I can't answer      16 that yes or no because I don't recall      17 the conversation.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19          Q. Okay. So then my follow-up      20 question in trying to understand why you're      21 hesitant to believe or agree that the      22 statement is accurate is, is there anything      23 that you can tell us today as to why you are      24 calling into question or refusing to      25 acknowledge that this statement is accurate?</p>	<p>1           So as you sit here today, you      2 can't tell me whether you doubt the accuracy      3 of this statement; is that correct?      4          A. That's correct.      5          MS. FUMERTON: We've been going      6 about an hour. Can we take a -- if      7 you're moving on.      8          MR. BOWER: Sure. Okay.      9          MS. FUMERTON: It will be a      10 short break. I just need to use the      11 restroom.</p> <p>12          VIDEOGRAPHER: Going off the      13 record at 2:35 p.m.      14 (Off the record at 2:35 p.m.)</p> <p>15          VIDEOGRAPHER: We're back on      16 the record at 2:48 p.m.      17 (Walmart-Sullins Exhibit 17      18 marked for identification.)</p> <p>19 QUESTIONS BY MR. BOWER:</p> <p>20          Q. Back on the record, Exhibit 17.      21           This is just a short e-mail      22 from Dena McClamroch --      23          A. Yes.      24          Q. It's M-c-C-l-a-m-r-o-c-h.      25           -- to yourself.</p>
<p>1           MS. FUMERTON: Objection. Form      2 and lack of foundation.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4          Q. Why can't we just agree that      5 this is an accurate statement? You don't      6 recall it, but, yeah, I probably made it.      7          Why are you doubting      8 Mr. Abernathy's statement?</p> <p>9          MS. FUMERTON: Objection.      10 Form.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12          Q. And I'll strike that. I'll ask      13 a question.      14          Do you doubt the accuracy of      15 the statement written by Jeff Abernathy in      16 this e-mail dated March 30, 2017?</p> <p>17          MS. FUMERTON: Objection.      18 Form. Lack of foundation, and asked      19 and answered 20 times.</p> <p>20          THE WITNESS: I can't answer      21 that because I don't recall the      22 conversation.</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24          Q. Okay. So I just want to make      25 sure I understand your answer.</p>	<p>1           Just take a second and review.      2 I just have very few questions on this one.      3          A. Okay.      4          Q. Okay. So can you just      5 explain -- well, first, did you make requests      6 to Reddwerks to make these changes?      7          A. I believe we did.      8          Q. Okay. And do you believe that      9 the changes were made?      10         A. Not to all.      11         Q. Okay. So can we just go      12 through which ones were made and which ones      13 weren't then?      14         A. Yes.      15         Q. Three-digit threshold. First,      16 what does that mean?      17         A. So for -- like for insulin, if      18 they ordered a hundred, there's only a place      19 for two digits.      20         Q. So the request was to enlarge      21 that for places for three digits, correct?      22         A. Correct.      23         Q. And was that change made?      24         A. No.      25         Q. And why not, if you know?</p>

Page 322	Page 324
<p>1 A. I don't recall.</p> <p>2 Q. But you do recall requesting</p> <p>3 it?</p> <p>4 A. It was part of the SOW, I</p> <p>5 believe.</p> <p>6 Q. Okay. SOW, you're referring to</p> <p>7 statement of work?</p> <p>8 A. Yes.</p> <p>9 Q. BOD fixed/revised to ensure</p> <p>10 that weekly quantities reset properly.</p> <p>11 Was that change made?</p> <p>12 A. I believe so.</p> <p>13 Q. Were there issues with the</p> <p>14 quantities being reset each week prior to</p> <p>15 that change being made?</p> <p>16 MS. FUMERTON: Objection.</p> <p>17 Form.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. I'll strike that.</p> <p>20 Were you aware of any issues</p> <p>21 regarding quantities resetting properly prior</p> <p>22 to the change being made?</p> <p>23 MS. FUMERTON: Objection.</p> <p>24 Form.</p> <p>25 THE WITNESS: I don't recall.</p>	<p>1 Q. Okay. Number 4, "ability to</p> <p>2 identify stores on SOM remediation."</p> <p>3 Was that change made?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know what SOM</p> <p>6 remediation refers to?</p> <p>7 A. No.</p> <p>8 Q. Number 5, "ability to select</p> <p>9 all and the HO action needed, review flagged</p> <p>10 order screen."</p> <p>11 What does that mean?</p> <p>12 A. I'm unsure what that means.</p> <p>13 Q. Okay. Do you know whether that</p> <p>14 change was made?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. And then the last one,</p> <p>17 "all screens related to SOM exportable to</p> <p>18 Excel."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Was that change made?</p> <p>22 A. I do not recall. I don't know</p> <p>23 if that was changed -- if that change was</p> <p>24 made.</p> <p>25 Q. And do you recall whether at</p>
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Indicator for orders sent to</p> <p>3 practice compliance.</p> <p>4 What does that refer to?</p> <p>5 A. So when an order was held, they</p> <p>6 wanted to be able to see which one was sent</p> <p>7 to practice compliance for additional review.</p> <p>8 Q. Okay. And when you say "when</p> <p>9 an order was held," do you mean when an order</p> <p>10 was triggered by one of the thresholds or</p> <p>11 something else?</p> <p>12 A. When an order was triggered by</p> <p>13 a threshold.</p> <p>14 Q. Okay. And what about if an</p> <p>15 order was triggered by the threshold and</p> <p>16 cleared at the DC?</p> <p>17 A. They would not -- it would not</p> <p>18 come to the home office for review.</p> <p>19 Q. Okay. So an indicator for that</p> <p>20 order wouldn't be necessary, correct?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you recall the</p> <p>23 indicator for orders in practice compliance</p> <p>24 change being made?</p> <p>25 A. I believe it was.</p>	<p>1 any point the screens related to SOM were</p> <p>2 exportable to Excel?</p> <p>3 A. I think some screens were.</p> <p>4 Q. What about all screens?</p> <p>5 A. I don't know if all screens</p> <p>6 were.</p> <p>7 Q. And this certainly suggests</p> <p>8 that at least prior to 1/25/2016, all screens</p> <p>9 related to SOM were not exportable to Excel.</p> <p>10 Would you agree with that?</p> <p>11 A. Yes.</p> <p>12 Q. So at some point did you become</p> <p>13 involved by a request for certain records</p> <p>14 from the State of Ohio?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And can you just tell us</p> <p>17 just at a high level what your involvement</p> <p>18 was and what the request was?</p> <p>19 A. So my involvement was to ask</p> <p>20 for ISD to pull those records. Then I sent</p> <p>21 that over to compliance for them to submit.</p> <p>22 (Walmart-Sullins Exhibit 18</p> <p>23 marked for identification.)</p> <p>24 MS. FUMERTON: We're on 18?</p> <p>25 MR. BOWER: We are on 18, yes.</p>

Page 326	Page 328
<p>1   <b>QUESTIONS BY MR. BOWER:</b></p> <p>2   Q. So I'm handing you Exhibit 18.</p> <p>3   I just have a few questions on this in light</p> <p>4   of the fact that -- if you'll note, the</p> <p>5   e-mail from Chad to yourself is redacted, and</p> <p>6   that redaction was by Walmart.</p> <p>7       I obviously can't ask you</p> <p>8   questions on what Chad asked you to do. I</p> <p>9   would like to, but we have to resolve that at</p> <p>10   a later issue.</p> <p>11      Do you recall Chad sending you</p> <p>12   advice from counsel in this communication?</p> <p>13      A. Can I read through it?</p> <p>14      Q. Sure. Yeah. Please take your</p> <p>15   time.</p> <p>16      A. Okay.</p> <p>17      Q. And do you recall Chad sending</p> <p>18   you advice from counsel in this first e-mail</p> <p>19   on 2/24/2016?</p> <p>20      A. I do not recall.</p> <p>21      Q. Did Chad's e-mail to you on</p> <p>22   2/24/2016 reflect legal advice?</p> <p>23      A. I do not recall.</p> <p>24      Q. Do you recall what Chad asked</p> <p>25   you to do?</p>	<p>1   A. No.</p> <p>2   Q. Did you respond to him, saying,</p> <p>3   "hey, I can get this information"?</p> <p>4   A. I don't recall.</p> <p>5   Q. Do you recall seeing the e-mail</p> <p>6   from him seeking the information?</p> <p>7   A. No, I do not recall that.</p> <p>8   Q. All right. Do you recall who</p> <p>9   asked you to get the information?</p> <p>10     A. No, I don't.</p> <p>11     Q. Do you recall who you asked at</p> <p>12   ISD to pull the information?</p> <p>13     A. It could have been a group of</p> <p>14   people. I don't recall who I sent it to.</p> <p>15     Q. Okay. So let's look then at</p> <p>16   what information is actually being requested,</p> <p>17   okay, which is kind of the last three pages</p> <p>18   of that exhibit.</p> <p>19     A. Uh-huh.</p> <p>20     Q. And let's just look at 6045, I</p> <p>21   guess, because it's all very similar, which</p> <p>22   is the second one at Bates ending in 22804.</p> <p>23           Do you see that?</p> <p>24     A. Yes.</p> <p>25     Q. Okay. So here we have a letter</p>
<p style="text-align: center;">Page 327</p> <p>1       Just yes or no. Do you recall</p> <p>2   what Chad asked you to do, if anything?</p> <p>3      A. No, I do not.</p> <p>4      Q. Do you recall receiving this</p> <p>5   e-mail from Chad?</p> <p>6      A. I do not recall receiving this</p> <p>7   e-mail from Chad.</p> <p>8      Q. But you recall generally</p> <p>9   this -- this event occurring, correct?</p> <p>10     A. Yes.</p> <p>11     Q. Okay. And by "this event," I</p> <p>12  mean the Ohio's -- Ohio's request for certain</p> <p>13  information.</p> <p>14     A. Yes.</p> <p>15     Q. Okay. And so if you look kind</p> <p>16  of down in the e-mail -- you are initially</p> <p>17  included on one of the e-mails, the e-mail</p> <p>18  from Arlin Horst.</p> <p>19       Who is that? Arlin, A-r-l-i-n,</p> <p>20  H-o-r-s-t?</p> <p>21     A. He is a operations manager at</p> <p>22  DC 6046.</p> <p>23     Q. Okay. And for some reason he</p> <p>24  adds you to the e-mail string.</p> <p>25       Do you have any idea why?</p>	<p style="text-align: center;">Page 329</p> <p>1   from the State of Ohio Board of Pharmacy,</p> <p>2  correct?</p> <p>3     A. Yes.</p> <p>4     Q. Directed to Walmart Pharmacy</p> <p>5  Warehouse 6045, correct?</p> <p>6     A. Yes.</p> <p>7     Q. And the letter is dated</p> <p>8  2/25/2016, right?</p> <p>9     A. Yes.</p> <p>10    Q. So -- and they're looking</p> <p>11  for -- they write -- strike that.</p> <p>12      They write in their letter,</p> <p>13  "Please advise dates of quantities of all</p> <p>14  transactions, parentheses, purchases,</p> <p>15  returns, credits, et cetera, close</p> <p>16  parentheses, of all controlled substances to</p> <p>17  any and all locations within the state of</p> <p>18  Ohio purchased from your company for the</p> <p>19  period 10/27/2011 through present day."</p> <p>20      Do you see that?</p> <p>21     A. I see that.</p> <p>22     Q. Was that information available</p> <p>23  to Walmart as of 2/25/2016?</p> <p>24     A. I don't know how far back the</p> <p>25  data went.</p>

Page 330	Page 332
<p>1 Q. That's my question to you.</p> <p>2 As you sit here today, you</p> <p>3 don't know whether you complied with this</p> <p>4 request?</p> <p>5 MS. FUMERTON: Objection.</p> <p>6 Form.</p> <p>7 THE WITNESS: I don't know if</p> <p>8 we could pull data as far back as</p> <p>9 2011.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. Before -- before I hand you the</p> <p>12 next exhibit, where would you -- what are the</p> <p>13 available data sources where you could look</p> <p>14 for this information?</p> <p>15 A. It would be in Teradata.</p> <p>16 Q. Anywhere else?</p> <p>17 A. I don't know if it existed</p> <p>18 anywhere else.</p> <p>19 Q. Do you recall asking everyone?</p> <p>20 Strike that.</p> <p>21 When you received this request,</p> <p>22 do you recall asking anyone whether Walmart</p> <p>23 could comply with the request?</p> <p>24 A. I don't recall that.</p> <p>25 Q. Do you recall having any</p>	<p>1 go back to the requested time period in 2011</p> <p>2 and provide the data requested by the State</p> <p>3 of Ohio Board of Pharmacy?</p> <p>4 A. Yes, I see the date's on here.</p> <p>5 Q. And where are you looking, just</p> <p>6 so the record can reflect what you're looking</p> <p>7 at?</p> <p>8 A. I'm looking at the spreadsheet,</p> <p>9 and the date on there is 10/27/2011.</p> <p>10 Q. So it indeed appears that</p> <p>11 Walmart could go back and get the requested</p> <p>12 information, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And does this spreadsheet, to</p> <p>15 you, appear to be one that was pulled from</p> <p>16 the Teradata source that you mentioned?</p> <p>17 A. It would appear.</p> <p>18 Q. Okay. And why do you say that?</p> <p>19 What are you looking at to draw</p> <p>20 the conclusion?</p> <p>21 A. Only because that's the only</p> <p>22 place I know that the data existed.</p> <p>23 Q. Okay. Fair enough.</p> <p>24 So nothing on this document</p> <p>25 itself suggests it to you. Just simply your</p>
<p>1 concerns about Walmart's ability to pull data</p> <p>2 going back to 10/27/2011?</p> <p>3 A. I don't recall that.</p> <p>4 (Walmart-Sullins Exhibit 19</p> <p>5 marked for identification.)</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7 Q. You've been handed what's been</p> <p>8 marked as Exhibit 19.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Take a moment to review</p> <p>12 it. I'm just trying to get to the bottom of</p> <p>13 whether Walmart complied with this request</p> <p>14 and whether it was able to, in fact, go back</p> <p>15 to 2011 and gather that information.</p> <p>16 Okay?</p> <p>17 And just so that you're aware,</p> <p>18 this was produced as an Excel. We just</p> <p>19 pulled the first kind of page of it.</p> <p>20 A. Okay.</p> <p>21 Q. Because as you might imagine, a</p> <p>22 lengthy document.</p> <p>23 A. Okay.</p> <p>24 Q. Okay. Does this refresh your</p> <p>25 recollection of whether Walmart was able to</p>	<p>1 experience with the data, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. I just have then some --</p> <p>4 a couple questions on the columns. Okay?</p> <p>5 The first column A says, "6045</p> <p>6 DEA."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Are the numbers below that --</p> <p>10 what do those reflect?</p> <p>11 A. The DEA number for the DC.</p> <p>12 Q. Okay. So those would all be</p> <p>13 the same then, correct, throughout this</p> <p>14 entire spreadsheet, right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And then the sale</p> <p>17 purchase reflects that it was a sale from the</p> <p>18 DC?</p> <p>19 A. Yes.</p> <p>20 Q. Correct?</p> <p>21 The NDC would reflect the</p> <p>22 individual product, right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. The quantity would be in</p> <p>25 bottles, correct?</p>
Page 331	Page 333

Page 334	Page 336
<p>1 A. Yes.</p> <p>2 Q. What does the purchaser DEA</p> <p>3 reflect?</p> <p>4 A. The store number, the store DEA</p> <p>5 number.</p> <p>6 Q. So that would be the individual</p> <p>7 pharmacy's DEA number within Ohio, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What about the next</p> <p>10 column, 222/CSOS ID?</p> <p>11 A. So that would be either the 222</p> <p>12 form number or the CSOS order ID.</p> <p>13 Q. And does that information</p> <p>14 depend on the time period that the order was</p> <p>15 placed?</p> <p>16 A. Yes.</p> <p>17 Q. Because at some point they</p> <p>18 moved from 222s to the CSOS, right?</p> <p>19 A. Yes.</p> <p>20 Q. Are those IDs unique to an</p> <p>21 order?</p> <p>22 A. To a form. If it's a 222.</p> <p>23 If it's a CSOS order ID, it</p> <p>24 would be -- because the 222 form only has</p> <p>25 room for ten items.</p>	<p>1 transactions, and then in parentheses they</p> <p>2 have purchases, returns, credits, et cetera.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Was Walmart able to provide</p> <p>6 information regarding returns?</p> <p>7 A. We didn't do returns to the</p> <p>8 C-II facility.</p> <p>9 Q. Okay. What about credits?</p> <p>10 A. I don't know what a credit</p> <p>11 would be.</p> <p>12 Q. So is it your understanding</p> <p>13 that Walmart didn't provide any information</p> <p>14 related to credits in connection with this</p> <p>15 response?</p> <p>16 MS. FUMERTON: Objection. Form</p> <p>17 and lack of foundation.</p> <p>18 THE WITNESS: I don't know what</p> <p>19 a credit is, so I don't know -- I</p> <p>20 can't answer whether we did or didn't.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Okay. Do you have any</p> <p>23 understanding why Sarah Eisler -- there's her</p> <p>24 name. It's E-i-s-l-e-r.</p> <p>25 She's Mr. Ducote's assistant,</p>
<p style="text-align: center;">Page 335</p> <p>1 Q. Okay.</p> <p>2 A. And so a CSOS order ID would be</p> <p>3 the entire order.</p> <p>4 Q. And then the date, I think, is</p> <p>5 self-explanatory, right?</p> <p>6 A. Yes.</p> <p>7 Q. And is that the date the order</p> <p>8 is placed or the date the order is filled?</p> <p>9 A. The date the order is shipped</p> <p>10 and filled.</p> <p>11 Q. I see the state. Again,</p> <p>12 self-explanatory.</p> <p>13 And then the store, do you know</p> <p>14 what that reflects?</p> <p>15 A. The store number.</p> <p>16 Q. Is that different than the</p> <p>17 purchaser DEA?</p> <p>18 A. It should be one in the same.</p> <p>19 Q. And the description is</p> <p>20 self-explanatory, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And then I note that --</p> <p>23 so if you go back to the prior exhibit,</p> <p>24 you'll see that the State of Ohio is</p> <p>25 requesting dates and quantity of all</p>	<p style="text-align: center;">Page 337</p> <p>1 correct?</p> <p>2 A. She's an associate on the team.</p> <p>3 Q. What's that?</p> <p>4 A. She's an associate on the team.</p> <p>5 Q. Okay. Her -- I note that her</p> <p>6 signature says "Sarah Eisler, administrative</p> <p>7 assistant to Chad Ducote."</p> <p>8 What does that mean?</p> <p>9 A. So she had some administrative</p> <p>10 duties.</p> <p>11 Q. So she kind of played a dual</p> <p>12 role on the team?</p> <p>13 A. Yes.</p> <p>14 Q. Do you have any idea why she's</p> <p>15 cc'ing you on the response to the Ohio board</p> <p>16 of governor -- board of pharmacies?</p> <p>17 A. No.</p> <p>18 Q. Were you surprised to be</p> <p>19 included in this e-mail?</p> <p>20 A. No.</p> <p>21 (Walmart-Sullins Exhibit 20</p> <p>22 marked for identification.)</p> <p>23 QUESTIONS BY MR. BOWER:</p> <p>24 Q. Okay. You've been handed</p> <p>25 what's been marked as Exhibit 20. It's just</p>

Page 338	Page 340
<p>1 another response to the Ohio board of      2 governors {sic} with a different time frame      3 for the data.</p> <p>4 So I just have a few questions      5 regarding kind of the different format of the      6 attachment.</p> <p>7 A. Okay.</p> <p>8 Q. So take a look. I just -- the      9 principal question is whether this data may      10 have come from a different source.</p> <p>11 Do you know whether it did?</p> <p>12 A. I don't know whether it did.</p> <p>13 Q. Is it your understanding this      14 data would have also come from the Teradata      15 location?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do you have -- do you      18 see -- if you compare -- if you compare the      19 prior spreadsheet to this one, this has      20 different columns, for example, strength,      21 which I don't think appears in the other one.      22 Certainly correct me if I missed something.</p> <p>23 A. Yes, I see that.</p> <p>24 Q. Okay. Do you have an      25 understanding as to why there's a difference</p>	<p>1 tables that we would use for ARCOS reporting.</p> <p>2 Q. Well, can you just describe      3 what you mean by tables?</p> <p>4 A. Not table. The server. Sorry.</p> <p>5 Q. What server is that? Does it      6 have a name?</p> <p>7 A. It does, but I don't know what      8 the name is.</p> <p>9 Q. Is it a dedicated ARCOS server?</p> <p>10 A. No, it's a HONS number.</p> <p>11 Q. Did you have the capability of      12 pulling the data yourself?</p> <p>13 A. No.</p> <p>14 Q. You didn't have access to the      15 Teradata database?</p> <p>16 A. I have access to some tables.      17 Not all things.</p> <p>18 Q. Did you have access to the      19 tables -- what do you mean by -- strike that.      20 What do you mean by tables?</p> <p>21 A. Like an invoice table, a      22 purchase order table.</p> <p>23 Q. Did you have access to this      24 information reflected on the attachment to      25 Exhibit 20?</p>
<p style="text-align: center;">Page 339</p> <p>1 in the data being provided?</p> <p>2 A. No.</p> <p>3 MS. FUMERTON: Objection.</p> <p>4 Form. Lack of foundation. Sorry.</p> <p>5 THE WITNESS: No, I don't.</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7 Q. Well, you were the one who      8 requested the data from ISD, correct?</p> <p>9 A. Yes, I sent the initial      10 request.</p> <p>11 Q. And did they send the results      12 of that request to you?</p> <p>13 A. No, they put those on a server      14 because it was too big to send via e-mail.</p> <p>15 Q. And how did they notify you      16 that the data was then available?</p> <p>17 A. Either by phone call or an      18 e-mail.</p> <p>19 Q. Okay. And then how did you      20 convey that that was available to Ms. Eisler?</p> <p>21 A. I may have walked up to her      22 desk and told her that it was available.</p> <p>23 Q. And how would she have known      24 where to get it?</p> <p>25 A. Because it was on the same</p>	<p style="text-align: center;">Page 341</p> <p>1 MS. FUMERTON: Objection.      2 Form.</p> <p>3 THE WITNESS: No, I don't      4 believe so.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. Do you know why that was?</p> <p>7 A. No.</p> <p>8 Q. Okay. Were you ever -- well,      9 strike that. Let's finish up this one.</p> <p>10 Do you know whether the      11 strength column is a column that exists in      12 the Teradata database?</p> <p>13 A. It does.</p> <p>14 Q. Are there other columns that      15 you're aware of that aren't on the exhibit      16 to -- the exhibit to Exhibit 20?</p> <p>17 A. I'm not sure I understood your      18 question.</p> <p>19 Q. Strike that, and I'll rephrase      20 it.</p> <p>21 You would agree with me,      22 wouldn't you, that exhibit to Exhibit 20 has      23 different information than the exhibit to      24 Exhibit 19, correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 342</p> <p>1 Q. Okay. Other than this strength      2 column that is not on exhibit to Exhibit 19,      3 are there any other columns or sources of      4 information that are not reflected on these      5 exhibits that relate to the purchase or sale      6 of C-II products?</p> <p>7 MS. FUMERTON: Objection.      8 Form.</p> <p>9 THE WITNESS: There's other --      10 there's other information that you can      11 add to the report.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. And what information is that?      14 A. Let me look at it. Store name,      15 store city and state, vendor name, vendor      16 number.</p> <p>17 Q. Do you know how the data in      18 this Teradata database is populated?      19 A. No, I do not.</p> <p>20 Q. Do you know where it comes      21 from?      22 A. No.</p> <p>23 Q. Do you know whether it comes      24 directly from the DCs?      25 A. I would say, yes, some of that</p>	<p style="text-align: right;">Page 344</p> <p>1 was in it.</p> <p>2 Q. Do you know how the information      3 in Retail Link was populated?      4 A. I do not know.</p> <p>5 Q. Okay. What does -- what do you      6 mean by alignment information by store? What      7 does that mean?</p> <p>8 A. So stores aligned for general      9 merchandise. It's -- so which DC services      10 that store for general merchandise, which DC      11 services that store for groceries, fresh,      12 which DC services that store for      13 pharmaceuticals.</p> <p>14 Q. Does Retail Link have pricing      15 information?</p> <p>16 MS. FUMERTON: Objection.      17 Form.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. If you know.      20 A. I don't know.</p> <p>21 Q. Did there come a time when      22 you -- strike that.      23 Did there come a time when      24 Mr. Hermans was the main contact for      25 Reddwerks?</p>
<p style="text-align: right;">Page 343</p> <p>1 data comes from the DC.      2 Q. Where else could it come from?      3 In other words, what are the other sources of      4 data at Walmart that could populate the      5 Teradata database?      6 A. From a supplier, purchases from      7 a supplier. Store data.      8 Q. Are you familiar with a      9 database or other system called Retail Link?      10 A. Yes.      11 Q. And what is Retail Link?      12 A. It is a web-based system that      13 suppliers use to pull their own data, that      14 they have access to it.      15 Q. Did you have access to it?      16 A. I did have access to it.      17 Q. Did you ever actually access      18 it?      19 A. Yes.      20 Q. For what purpose?      21 A. It also has information about      22 the JLN numbers for each DC or store. It had      23 alignment information by store. It had      24 information about which store had a optical      25 center in it. Just various information that</p>	<p style="text-align: right;">Page 345</p> <p>1 A. Yes, he took -- he took that      2 ownership of that relationship.      3 Q. And when was that      4 approximately?      5 A. I don't recall when he came on      6 to that system change.      7 Q. And do you recall why that      8 change was made?      9 A. They wanted to run projects      10 through that team, and I -- and I did the --      11 I would bring the requests for projects to      12 RJ, and then he would submit those to      13 Reddwerks for -- to get a statement of -- a      14 scope of work.      15 Q. And I'm sorry, what team was he      16 on?      17 A. He was on the logistics systems      18 team.      19 (Walmart-Sullins Exhibit 21      20 marked for identification.)      21 QUESTIONS BY MR. BOWER:      22 Q. Okay. You've been handed      23 what's been marked as Exhibit 21. I just      24 have a few questions regarding this e-mail      25 string.</p>

Page 346	Page 348
<p>1 A. Okay.</p> <p>2 Q. Okay. Can you just explain</p> <p>3 generally what's going on here?</p> <p>4 A. I think it was some of the</p> <p>5 changes that were requested by Dena.</p> <p>6 Q. And you were surprised at the</p> <p>7 cost of those changes, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And did you say "WOW" in all</p> <p>10 caps? "110K to make changes to some</p> <p>11 screens"? Right?</p> <p>12 A. Yes, that's what I said.</p> <p>13 Q. Why were you surprised at the</p> <p>14 cost?</p> <p>15 A. Because I didn't understand why</p> <p>16 it would take that amount to move -- like,</p> <p>17 for instance, to go from two digits to three</p> <p>18 digits.</p> <p>19 Q. Why did you care?</p> <p>20 MS. FUMERTON: Objection.</p> <p>21 Form.</p> <p>22 THE WITNESS: It sounded like a</p> <p>23 simple code to me. I --</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. But did it matter to you how</p>	<p>1 Q. Okay. And this was a lot of</p> <p>2 money for those changes, in your mind?</p> <p>3 A. For how I understood the</p> <p>4 changes.</p> <p>5 Q. And can you explain to me</p> <p>6 why -- why it would be -- seem unusual to</p> <p>7 you?</p> <p>8 A. Again, because I thought just</p> <p>9 adding an extra digit didn't seem like it</p> <p>10 would take much coding time.</p> <p>11 Q. Well, we went through a series</p> <p>12 of five changes, right, that were -- that</p> <p>13 Walmart had requested?</p> <p>14 A. Right.</p> <p>15 Q. Right.</p> <p>16 So could this be for all five</p> <p>17 of those changes?</p> <p>18 A. Not knowing what all the</p> <p>19 changes that were included in the SOW.</p> <p>20 Q. Right. We would need actually</p> <p>21 to see the SOW, right?</p> <p>22 A. Right.</p> <p>23 Q. And would the cost, the 110,000</p> <p>24 cost, impact whether Walmart went ahead with</p> <p>25 those changes?</p>
Page 347	Page 349
<p>1 much Walmart was paying for changes to</p> <p>2 enhance its SOM program?</p> <p>3 MS. FUMERTON: Objection.</p> <p>4 Form.</p> <p>5 THE WITNESS: I'm sorry, ask</p> <p>6 that again.</p> <p>7 QUESTIONS BY MR. BOWER:</p> <p>8 Q. Well, these -- this -- if you</p> <p>9 notice the e-mail from Heather Carol to RJ at</p> <p>10 the bottom of that first page, right, it</p> <p>11 says, "Please find attached the statement of</p> <p>12 work for the SOM enhancements."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. So why did it matter to you how</p> <p>16 much Walmart would have to pay for SOM</p> <p>17 enhancements?</p> <p>18 MS. FUMERTON: Objection.</p> <p>19 Form.</p> <p>20 THE WITNESS: It was the items</p> <p>21 that Dena had brought up.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. So this change was for those</p> <p>24 items we discussed earlier?</p> <p>25 A. Yes.</p>	<p>1 MS. FUMERTON: Objection.</p> <p>2 Form.</p> <p>3 THE WITNESS: No.</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. Why not?</p> <p>6 A. I still would like to get it at</p> <p>7 a lower cost.</p> <p>8 Q. Well, what if that was the</p> <p>9 cost; would Walmart approve those changes?</p> <p>10 MS. FUMERTON: Objection.</p> <p>11 Form.</p> <p>12 THE WITNESS: Yes, they would</p> <p>13 approve those changes.</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. Were those changes, in fact,</p> <p>16 made?</p> <p>17 A. I know some were. I don't know</p> <p>18 what all were made.</p> <p>19 Q. Well, you testified earlier</p> <p>20 that some were not, right?</p> <p>21 MS. FUMERTON: Objection.</p> <p>22 Form.</p> <p>23 THE WITNESS: I did testify to</p> <p>24 that earlier.</p> <p>25</p>

Page 350	Page 352
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. And isn't it the case that some</p> <p>3 changes weren't made because Walmart deemed</p> <p>4 the cost to be too high?</p> <p>5 MS. FUMERTON: Objection.</p> <p>6 Form. Lack of foundation.</p> <p>7 THE WITNESS: Not that I</p> <p>8 recall.</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. Well, do you know whether</p> <p>11 Walmart decided not to pursue some SOM</p> <p>12 enhancements due to the high cost?</p> <p>13 MS. FUMERTON: Objection.</p> <p>14 Form.</p> <p>15 THE WITNESS: Not that I</p> <p>16 recall.</p> <p>17 QUESTIONS BY MR. BOWER:</p> <p>18 Q. Do you know whether it occurred</p> <p>19 or not?</p> <p>20 MS. FUMERTON: Objection.</p> <p>21 Form. Asked and answered.</p> <p>22 THE WITNESS: I do not recall</p> <p>23 that.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. What is it that you don't</p>	<p>1 changes.</p> <p>2 (Walmart-Sullins Exhibit 22</p> <p>3 marked for identification.)</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. You've been handed what's been</p> <p>6 marked as Exhibit 22, which is an e-mail four</p> <p>7 days later regarding Reddwerks' enhancements.</p> <p>8 Please take a moment to review that document.</p> <p>9 A. Okay. Okay.</p> <p>10 Q. Okay. This e-mail is four days</p> <p>11 after exhibit -- prior exhibit, Exhibit 21?</p> <p>12 A. No.</p> <p>13 Q. I'm sorry, you're right. My</p> <p>14 mistake. A month and four days.</p> <p>15 Right?</p> <p>16 A. Yes.</p> <p>17 Q. And does this relate to the</p> <p>18 enhancements referenced in Exhibit 22, or are</p> <p>19 these different enhancements?</p> <p>20 MS. FUMERTON: Zach, I think</p> <p>21 you misspoke on the exhibit.</p> <p>22 MR. BOWER: I think you're</p> <p>23 right.</p> <p>24 QUESTIONS BY MR. BOWER:</p> <p>25 Q. So the enhancements referenced</p>
Page 351	Page 353
<p>1 recall specifically?</p> <p>2 A. Whether or not we didn't make</p> <p>3 changes to a system.</p> <p>4 Q. Right.</p> <p>5 So it could be the case that</p> <p>6 Walmart decided not to pursue changes due to</p> <p>7 the high cost; isn't that correct?</p> <p>8 MS. FUMERTON: Objection.</p> <p>9 Form. Lack of foundation.</p> <p>10 THE WITNESS: That is not</p> <p>11 correct.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. And what's your basis for that</p> <p>14 statement?</p> <p>15 A. Because of the changes that we</p> <p>16 made for other systems and the cost for</p> <p>17 those.</p> <p>18 Q. Well, for each of the changes,</p> <p>19 Walmart had to make a business decision of</p> <p>20 whether the change was worth it, didn't it?</p> <p>21 MS. FUMERTON: Objection.</p> <p>22 Form. Lack of foundation.</p> <p>23 THE WITNESS: I don't know that</p> <p>24 it was a business decision. Some of</p> <p>25 those were compliance and made the</p>	<p>1 in Exhibit 22 -- I'll strike that.</p> <p>2 Are the enhancements referenced</p> <p>3 in Exhibit 22 different than the enhancements</p> <p>4 referenced in Exhibit 21?</p> <p>5 A. I do not know if they are</p> <p>6 different.</p> <p>7 Q. So, for example, if you look at</p> <p>8 the e-mail from RJ to yourself on August 29th</p> <p>9 at 4:32, he -- number 5, "SOM enhancements -</p> <p>10 three requirements sent to Reddwerks.</p> <p>11 Awaiting business decision as cost is</p> <p>12 extremely high."</p> <p>13 Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. So before when I asked you</p> <p>16 whether Walmart had to make a business</p> <p>17 decision regarding SOM enhancements, you took</p> <p>18 issue with "make a business decision," right?</p> <p>19 MS. FUMERTON: Objection.</p> <p>20 Form.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Do you recall having issue with</p> <p>23 my choice of words?</p> <p>24 MS. FUMERTON: Objection.</p> <p>25 Form.</p>

Page 354	Page 356
<p>1           THE WITNESS: Do I recall      2       having an issue with --      3   <b>QUESTIONS BY MR. BOWER:</b>      4       Q. An issue with my -- my question      5   regarding whether Walmart makes a business      6   decision in deciding whether to go forward      7   with SOM enhancements.      8           MS. FUMERTON: Objection.      9       Form.      10          THE WITNESS: I'm not      11       understanding your question.      12   <b>QUESTIONS BY MR. BOWER:</b>      13       Q. All right. I'll ask it a      14      different way.      15          Does Walmart make a business      16   decision when deciding whether to pursue      17   enhancements to its SOM program?      18          MS. FUMERTON: Objection.      19       Form.      20          THE WITNESS: No, it's a      21       compliance issue.      22   <b>QUESTIONS BY MR. BOWER:</b>      23       Q. All right. So when RJ is      24   writing that he's "awaiting business decision      25   as cost is extremely high," what does he</p>	<p>1   <b>QUESTIONS BY MR. BOWER:</b>      2       Q. That's not what he said,      3   though, is it?      4       A. That's not what he said.      5       Q. And then at the bottom he      6   further explains, I think, himself when he      7   says, "Really the question becomes how much      8   money do we want to spend on SOM      9   enhancements, and do we want to budget money      10   for it to work on next year or pay for some      11   of it this year somehow?"      12          Do you see that?      13       A. I see that.      14       Q. Why is he -- why is he      15   concerned about spending money on SOM      16   enhancements?      17          MS. FUMERTON: Objection.      18       Form. Lack of foundation.      19          THE WITNESS: I don't know why      20   he's concerned about that.      21   <b>QUESTIONS BY MR. BOWER:</b>      22       Q. Well, he's -- no one else he's      23   sending this e-mail to, right?      24       A. I don't know. I mean, he's      25   sending it to me. I don't know if he sent it</p>
<p>1   mean?      2          MS. FUMERTON: Objection.      3       Form.      4   <b>QUESTIONS BY MR. BOWER:</b>      5       Q. Well, you're the only one on      6   the e-mail, right, other than RJ, right?      7       A. Yes.      8       Q. And he's updating you to      9   confirm that you agree with the priority      10   list, right?      11       A. Yes.      12       Q. And you confirm that you -- you      13   state, "RJ, I agree with the priority list,"      14   right?      15       A. I do.      16       Q. So what was your understanding      17   of what he meant when he said "awaiting a      18   business decision as cost is extremely high"?      19       A. Someone in compliance was going      20   to make that decision.      21       Q. Whether compliance was going to      22   make that business decision; is that correct?      23          MS. FUMERTON: Objection.      24       Form.      25          THE WITNESS: Yes.</p>	<p>1   to somebody else as well.      2       Q. There's no one else on here,      3   right?      4       A. Not on this particular e-mail,      5   no.      6       Q. I mean, we can at least agree      7   on that, right?      8       A. Yes.      9       Q. Okay. And you're agreeing with      10   him, right? You're agreeing with his      11   priority list?      12       A. With the list that he's got      13   there, yes.      14       Q. Right.      15          And that list is further      16   explained where he says 1 and 2 on his list      17   are really not debatable, right?      18          MS. FUMERTON: Objection.      19       Form.      20   <b>QUESTIONS BY MR. BOWER:</b>      21       Q. Do you see that?      22          He says, "1 and 2 are really      23   not debatable. Number 2 has to complete or      24   nearly complete by the end of the year to      25   avoid service support penalties and</p>

Page 358	Page 360
<p>1 end-of-life harbor issues," right?</p> <p>2 He's referring to 1 and 2 on</p> <p>3 this list, isn't he?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then he goes on to</p> <p>6 say, after discussing 1 and 2, "Really the</p> <p>7 question becomes how much money do we want to</p> <p>8 spend on SOM enhancements," right?</p> <p>9 A. Yes.</p> <p>10 Q. And the only SOM enhancements</p> <p>11 referenced on his list are number 5, aren't</p> <p>12 they?</p> <p>13 MS. FUMERTON: Objection.</p> <p>14 Form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. And he puts that as a number 5</p> <p>18 priority out of six things, right?</p> <p>19 A. Yes.</p> <p>20 Q. And you're agreeing with that</p> <p>21 priority list, correct?</p> <p>22 A. Yes.</p> <p>23 Q. So you're agreeing that these</p> <p>24 other things are more important than SOM</p> <p>25 enhancements, correct?</p>	<p>1 Q. August of 2016?</p> <p>2 A. Yes.</p> <p>3 Q. At 6045?</p> <p>4 A. Yes, at all buildings.</p> <p>5 Q. And before we go to the next</p> <p>6 exhibit, you must have been aware in 2016</p> <p>7 that the nation was in an opioid crisis,</p> <p>8 weren't you?</p> <p>9 MS. FUMERTON: Objection.</p> <p>10 Form.</p> <p>11 THE WITNESS: That the nation</p> <p>12 was?</p> <p>13 QUESTIONS BY MR. BOWER:</p> <p>14 Q. Was in the middle of an opioid</p> <p>15 epidemic, a crisis.</p> <p>16 MS. FUMERTON: Objection.</p> <p>17 Form.</p> <p>18 THE WITNESS: I don't know</p> <p>19 when -- when I learned of that from</p> <p>20 the news, but --</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Do you disagree that the nation</p> <p>23 was in the middle of an opioid crisis in</p> <p>24 2016?</p> <p>25 MS. FUMERTON: Objection.</p>
Page 359	Page 361
<p>1 MS. FUMERTON: Objection.</p> <p>2 Form.</p> <p>3 THE WITNESS: I'm agreeing with</p> <p>4 the list, yes.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. And in that list, that list</p> <p>7 reflects that 1 through 4 are more important</p> <p>8 priorities than the SOM enhancements,</p> <p>9 correct?</p> <p>10 MS. FUMERTON: Objection.</p> <p>11 Form. Misstates the document.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. Well, this is -- 1 through 6 is</p> <p>14 a priority list, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Right?</p> <p>17 And number 5 is the SOM</p> <p>18 enhancements, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you agree with that</p> <p>21 priority list, correct?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Approximately how long after</p> <p>24 this did Buzzeo roll out?</p> <p>25 A. It rolled out in August.</p>	<p>1 Form.</p> <p>2 THE WITNESS: I don't know when</p> <p>3 I learned of that from the news.</p> <p>4 (Walmart-Sullins Exhibit 23</p> <p>5 marked for identification.)</p> <p>6 QUESTIONS BY MR. BOWER:</p> <p>7 Q. Okay. So you've been handed</p> <p>8 what's been marked as Exhibit 23, and I'm</p> <p>9 just trying to nail the timeline down for</p> <p>10 Buzzeo.</p> <p>11 And I think that you just</p> <p>12 testified a minute ago that it rolled out in</p> <p>13 2016, so I just want to try to nail down the</p> <p>14 timeline in light of Exhibit 23.</p> <p>15 A. Okay.</p> <p>16 Q. Okay. So my first question:</p> <p>17 Were you aware that this exhibit, an e-mail,</p> <p>18 refreshes your recollection of when Buzzeo</p> <p>19 rolled out at 6045?</p> <p>20 MS. FUMERTON: Have you had a</p> <p>21 chance to review it, too.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. Yes, please do. I just wanted</p> <p>24 to kind of frame your thoughts as you were</p> <p>25 looking at it.</p>

Page 362	Page 364
<p>1 A. Okay.</p> <p>2 Q. Okay. Does this refresh your</p> <p>3 recollection as to when the Buzzeo rolled out</p> <p>4 at 6045?</p> <p>5 A. It does now.</p> <p>6 Q. Okay. And so based on that, I</p> <p>7 guess, refreshment, when did Buzzeo finally</p> <p>8 roll out at 6045?</p> <p>9 MS. FUMERTON: Objection.</p> <p>10 Form.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. Well, I'll strike that then.</p> <p>13 When did Walmart roll out</p> <p>14 Buzzeo at 6045?</p> <p>15 A. I believe it was in November of</p> <p>16 that year then.</p> <p>17 Q. In November of 2017, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And so the previous exhibit</p> <p>20 where Walmart is prioritizing SOM</p> <p>21 enhancements, five out of six, still another</p> <p>22 almost year and a half until Buzzeo rolls out</p> <p>23 to 6045, right?</p> <p>24 A. Yes.</p> <p>25 Q. And if you see here on</p>	<p>1 A. Well, it wasn't considering all</p> <p>2 the orders because it was deleting orders.</p> <p>3 Q. Which orders was it deleting?</p> <p>4 A. The augmented picks.</p> <p>5 Q. And how long had Buzzeo been</p> <p>6 deleting augmented picks at 6045?</p> <p>7 A. When they turned it on that</p> <p>8 day.</p> <p>9 Q. Okay. So it was one day?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And do you see where</p> <p>12 Nick writes, "We will move forward tomorrow</p> <p>13 utilizing the Reddwerks SOM program until</p> <p>14 opportunities in Buzzeo are corrected"?</p> <p>15 Do you see that?</p> <p>16 A. I see that.</p> <p>17 Q. So was Buzzeo going to take</p> <p>18 over the SOM program from Reddwerks?</p> <p>19 A. Yes.</p> <p>20 Q. Any understanding as to why it</p> <p>21 didn't roll out for another three to four</p> <p>22 months at 6045?</p> <p>23 MS. FUMERTON: Objection.</p> <p>24 Form. Misstates testimony.</p> <p>25</p>
<p>1 Exhibit 23, I guess the end of that first</p> <p>2 paragraph, "The decision was made to turn off</p> <p>3 Buzzeo by Ramona."</p> <p>4 Do you see that?</p> <p>5 A. Yeah, it says "by Ramona and</p> <p>6 I."</p> <p>7 Q. And it says, "and I support</p> <p>8 her," right?</p> <p>9 A. Yes.</p> <p>10 Q. So Nick was supporting you in</p> <p>11 that decision, right?</p> <p>12 A. Yes.</p> <p>13 Q. But it was your decision,</p> <p>14 right?</p> <p>15 A. With support from compliance.</p> <p>16 Q. And what factors led you to</p> <p>17 make that decision?</p> <p>18 A. Because of the bug of the</p> <p>19 augmented picks.</p> <p>20 Q. Did you consider anything else</p> <p>21 in making that decision?</p> <p>22 A. Not that I can think of.</p> <p>23 Q. For example, did you consider</p> <p>24 whether Buzzeo provided improved SOM</p> <p>25 enhancements over Reddwerks?</p>	<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Well, strike that then.</p> <p>3 How long after this was Buzzeo</p> <p>4 finally implemented at 6045?</p> <p>5 A. In November.</p> <p>6 Q. So approximately three months</p> <p>7 later, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And approximately almost a year</p> <p>10 and a half after Walmart had deprioritized</p> <p>11 its SOM enhancements, correct?</p> <p>12 MS. FUMERTON: Objection.</p> <p>13 Form. Misstates the document.</p> <p>14 THE WITNESS: After those</p> <p>15 enhancements that Dena brought up.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. After the priority list that</p> <p>18 you agreed with, right?</p> <p>19 A. Yes.</p> <p>20 Q. Was there any urgency on</p> <p>21 Walmart's part to get Buzzeo up and running</p> <p>22 at 6045?</p> <p>23 MS. FUMERTON: Objection.</p> <p>24 Form.</p> <p>THE WITNESS: I was not privy</p>

Page 366	Page 368
<p>1 to those conversations.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3 Q. Did any of those -- any of</p> <p>4 those SOM issues impact your decision to turn</p> <p>5 off Buzzeo at 6045?</p> <p>6 MS. FUMERTON: Objection.</p> <p>7 Form. Lack of foundation.</p> <p>8 THE WITNESS: Ask your question</p> <p>9 again? Sorry. I didn't understand</p> <p>10 it.</p> <p>11 QUESTIONS BY MR. BOWER:</p> <p>12 Q. Did you consider Walmart's</p> <p>13 suspicious order monitoring program in your</p> <p>14 decision to turn off Buzzeo at 6045?</p> <p>15 MS. FUMERTON: Objection.</p> <p>16 Form.</p> <p>17 THE WITNESS: We had a backup.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. Was it your understanding that</p> <p>20 that backup system was similar to the Buzzeo</p> <p>21 system?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 THE WITNESS: I didn't know how</p> <p>25 Buzzeo worked.</p>	<p>1 her?</p> <p>2 A. I called her.</p> <p>3 Q. And what did you say to her?</p> <p>4 A. I told her what the issue was.</p> <p>5 Q. And what did you convey as</p> <p>6 being the issue to her?</p> <p>7 A. The augmented picks.</p> <p>8 Q. And what did she say to you?</p> <p>9 A. I don't recall what she said.</p> <p>10 Q. Do you recall her agreeing with</p> <p>11 your decision to turn it off at 6045?</p> <p>12 A. I'm sure that was part of the</p> <p>13 conversation.</p> <p>14 Q. Do you recall the conversation?</p> <p>15 A. I don't recall all of the</p> <p>16 conversation. I recall calling her about the</p> <p>17 issue.</p> <p>18 Q. Why did you call her?</p> <p>19 A. She was in compliance.</p> <p>20 Q. But why did you call her</p> <p>21 specifically?</p> <p>22 A. It was her project.</p> <p>23 Q. Buzzeo was her project?</p> <p>24 A. Yes.</p> <p>25 Q. And why did you -- at this</p>
Page 367	Page 369
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. So you didn't know whether</p> <p>3 turning off the Buzzeo would impact Walmart's</p> <p>4 SOM program, did you?</p> <p>5 MS. FUMERTON: Objection.</p> <p>6 Form.</p> <p>7 THE WITNESS: It was not</p> <p>8 considering those picks, those</p> <p>9 augmented picks.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. So my question is a little bit</p> <p>12 different, okay?</p> <p>13 I'm just trying to get at</p> <p>14 what -- whether you considered Walmart's SOM</p> <p>15 program in connection with your decision to</p> <p>16 turn off Buzzeo at 6045.</p> <p>17 MS. FUMERTON: Objection.</p> <p>18 Form.</p> <p>19 THE WITNESS: I partnered with</p> <p>20 compliance when we made the decision.</p> <p>21 QUESTIONS BY MR. BOWER:</p> <p>22 Q. Who did you partner with at</p> <p>23 compliance?</p> <p>24 A. With Miranda.</p> <p>25 Q. And how did you partner with</p>	<p>1 point, this is August 9, 2017, right?</p> <p>2 A. Yes.</p> <p>3 Q. When did you get back involved</p> <p>4 in the Buzzeo project?</p> <p>5 A. It was that day.</p> <p>6 Q. That day?</p> <p>7 A. Yes.</p> <p>8 Q. Someone called you in and said,</p> <p>9 "Hey, we got a problem"?</p> <p>10 MS. FUMERTON: Objection.</p> <p>11 Form.</p> <p>12 QUESTIONS BY MR. BOWER:</p> <p>13 Q. Well, strike that.</p> <p>14 Then how did you become</p> <p>15 involved that day?</p> <p>16 A. Someone from ISD called me.</p> <p>17 Q. And what did they tell you?</p> <p>18 A. They wanted us to look at the</p> <p>19 orders that were sent to 6020 -- or 6045.</p> <p>20 Q. Did you attend meetings --</p> <p>21 strike that.</p> <p>22 Did you attend SOM review</p> <p>23 meetings?</p> <p>24 A. Yes.</p> <p>25 Q. And what was the reason you</p>

Page 370	Page 372
<p>1 attended those meetings?</p> <p>2 A. In Chad Ducote's absence.</p> <p>3 Q. In Mr. Ducote's absence, you</p> <p>4 would attend and perform the same duties as</p> <p>5 him?</p> <p>6 MS. FUMERTON: Objection.</p> <p>7 Form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 QUESTIONS BY MR. BOWER:</p> <p>10 Q. So you were involved in</p> <p>11 decisions of whether to cut orders of</p> <p>12 controlled substances; is that correct?</p> <p>13 MS. FUMERTON: Objection.</p> <p>14 Form.</p> <p>15 THE WITNESS: With compliance.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Did you ever receive any</p> <p>18 training in suspicious order monitoring?</p> <p>19 MS. FUMERTON: Objection.</p> <p>20 Form. Asked and answered.</p> <p>21 THE WITNESS: I don't recall.</p> <p>22 QUESTIONS BY MR. BOWER:</p> <p>23 Q. Do you recall ever receiving</p> <p>24 training in the opioid epidemic?</p> <p>25 MS. FUMERTON: Objection.</p>	<p>1 they had pulled.</p> <p>2 Q. They would bring that data to</p> <p>3 the meetings?</p> <p>4 A. Yes.</p> <p>5 Q. And what would you do with the</p> <p>6 data?</p> <p>7 MS. FUMERTON: Objection.</p> <p>8 Form.</p> <p>9 THE WITNESS: They would</p> <p>10 provide the information, and I would</p> <p>11 always ask them what they -- what</p> <p>12 their decision -- what their -- what</p> <p>13 they would recommend us do and follow</p> <p>14 that lead.</p> <p>15 QUESTIONS BY MR. BOWER:</p> <p>16 Q. Wasn't your role at those</p> <p>17 meetings to provide your own opinion as to</p> <p>18 whether an order should be cut?</p> <p>19 A. With their recommendation.</p> <p>20 Q. What criteria did you use to</p> <p>21 determine whether an order should be cut?</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 THE WITNESS: Whatever their</p> <p>25 recommendation was.</p>
<p>1 Form.</p> <p>2 THE WITNESS: I don't recall.</p> <p>3 QUESTIONS BY MR. BOWER:</p> <p>4 Q. Do you ever recall receiving</p> <p>5 training in diversion?</p> <p>6 MS. FUMERTON: Objection.</p> <p>7 Form.</p> <p>8 THE WITNESS: No, I don't</p> <p>9 recall.</p> <p>10 QUESTIONS BY MR. BOWER:</p> <p>11 Q. What qualifications did you</p> <p>12 have to decide whether an order for</p> <p>13 controlled substances would be cut?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form.</p> <p>16 THE WITNESS: I don't -- I</p> <p>17 don't know.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. What criteria did you use in</p> <p>20 evaluating orders for controlled substances?</p> <p>21 A. It was what compliance would</p> <p>22 bring to us.</p> <p>23 Q. Can you explain what you mean</p> <p>24 by "what compliance would bring to us"?</p> <p>25 A. What they had -- the data that</p>	<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Other than their</p> <p>3 recommendation, did you have any other</p> <p>4 criteria that you considered?</p> <p>5 A. I asked questions. I don't</p> <p>6 recall what questions I would ask.</p> <p>7 Q. Did they come to the meetings</p> <p>8 with the recommendations already made, or</p> <p>9 were there discussions prior to the</p> <p>10 recommendations being made?</p> <p>11 MS. FUMERTON: Objection.</p> <p>12 Form.</p> <p>13 THE WITNESS: There were</p> <p>14 discussions as we were walking through</p> <p>15 the data.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. What type of things would you</p> <p>18 discuss?</p> <p>19 A. Whatever the data had. I mean,</p> <p>20 said.</p> <p>21 Q. Okay. Give us an example.</p> <p>22 MS. FUMERTON: Objection.</p> <p>23 Form.</p> <p>24 THE WITNESS: I can't recall</p> <p>25 what some of that data was.</p>

Page 374	Page 376
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Do you recall any discussions</p> <p>3 regarding this issue?</p> <p>4 I mean, you attended several</p> <p>5 meetings, right?</p> <p>6 Well, strike that.</p> <p>7 You attended several meetings</p> <p>8 in connection with the SOM review process,</p> <p>9 correct?</p> <p>10 MS. FUMERTON: Objection.</p> <p>11 Form.</p> <p>12 THE WITNESS: I attended some</p> <p>13 meetings.</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. How many would you say you</p> <p>16 attended?</p> <p>17 A. I don't know.</p> <p>18 Q. Approximately. More than 50?</p> <p>19 A. No.</p> <p>20 Q. More than 25?</p> <p>21 A. I don't know. I do not know.</p> <p>22 Q. How long did the meetings last?</p> <p>23 A. It depended on how many stores</p> <p>24 were being reviewed.</p> <p>25 Q. And did you receive any</p>	<p>1 question.)</p> <p>2 THE WITNESS: Yes, they were</p> <p>3 documenting that.</p> <p>4 QUESTIONS BY MR. BOWER:</p> <p>5 Q. And who was documenting it?</p> <p>6 A. The pharmacy -- that team that</p> <p>7 Dena was on. It was called the pharmacy</p> <p>8 monitoring team.</p> <p>9 Q. Were they at those meetings?</p> <p>10 A. No.</p> <p>11 Q. So no one was documenting the</p> <p>12 discussions at the meetings; is that correct?</p> <p>13 MS. FUMERTON: Objection.</p> <p>14 Form.</p> <p>15 THE WITNESS: I do not know if</p> <p>16 somebody was.</p> <p>17 MS. FUMERTON: Zach, I think</p> <p>18 you have like two or three minutes. I</p> <p>19 don't know if we can get a -- want to</p> <p>20 go off the record for a second to get</p> <p>21 a check on the time?</p> <p>22 VIDEOGRAPHER: Going off the</p> <p>23 record at 3:51 p.m.</p> <p>24 (Off the record at 3:51 p.m.)</p> <p>25 VIDEOGRAPHER: We're back on</p>
<p>1 information before the meeting started?</p> <p>2 A. No.</p> <p>3 Q. Who attended the meetings?</p> <p>4 A. Miranda Gan -- I mean, Miranda</p> <p>5 Johnson. Roxy did.</p> <p>6 Q. Anyone else that you can</p> <p>7 recall?</p> <p>8 A. I can't recall anybody else.</p> <p>9 Q. Were notes kept at the</p> <p>10 meetings?</p> <p>11 A. I do not recall that.</p> <p>12 Q. You do not recall anyone taking</p> <p>13 notes at the meeting; is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Do you know whether Walmart was</p> <p>16 required to document its decisions of whether</p> <p>17 to cut an order that had been flagged as an</p> <p>18 order of interest?</p> <p>19 MS. FUMERTON: Objection.</p> <p>20 Form.</p> <p>21 THE WITNESS: Can you repeat</p> <p>22 that question?</p> <p>23 MR. BOWER: Can you read that</p> <p>24 back, please?</p> <p>25 (Court Reporter read back</p>	<p>1 the record at 3:58 p.m.</p> <p>2 QUESTIONS BY MR. BOWER:</p> <p>3 Q. Ms. Sullins, I just have a few</p> <p>4 more questions, closing up some questions</p> <p>5 from this morning.</p> <p>6 Do you recall I asked you</p> <p>7 whether you were included on NACDS</p> <p>8 communications?</p> <p>9 A. I do recall you asking that</p> <p>10 question.</p> <p>11 Q. And in fact, you were on</p> <p>12 communications regarding a various number of</p> <p>13 issues, correct?</p> <p>14 MS. FUMERTON: Objection.</p> <p>15 Form.</p> <p>16 THE WITNESS: I don't recall</p> <p>17 that.</p> <p>18 QUESTIONS BY MR. BOWER:</p> <p>19 Q. You don't recall ever receiving</p> <p>20 communications from NACDS regarding</p> <p>21 hydrocodone reclassification?</p> <p>22 A. I don't recall it.</p> <p>23 Q. Do you recall being part of the</p> <p>24 NACDS working group?</p> <p>25 A. Yes, for serialization I was.</p>

Page 378	Page 380
<p>1 Q. What about for anything else?      2 Did that group deal with      3 anything else other than serialization?      4 MS. FUMERTON: Objection.      5 Form.      6 THE WITNESS: I didn't attend      7 anything other than serialization.</p> <p>8 QUESTIONS BY MR. BOWER:</p> <p>9 Q. What do you mean by "attend      10 anything"?</p> <p>11 A. I didn't attend a meeting with      12 NACDS other than serialization.</p> <p>13 Q. Were you on e-mails discussing      14 the impact of the reclassification of      15 hydrocodone to Walmart?</p> <p>16 A. I don't know if I was.</p> <p>17 Q. Do you recall receiving those      18 e-mails?</p> <p>19 A. I do not recall that.</p> <p>20 Q. Did you ever attend HDMA      21 meetings?</p> <p>22 A. I did.</p> <p>23 Q. And what was the purpose of      24 attending those meetings?</p> <p>25 A. For serialization.</p>	<p>1 for?      2 A. PD --      3 Q. -- FUA, in connection with      4 NACDS communications.      5 MS. FUMERTON: Objection.      6 Form.      7 THE WITNESS: I don't know.</p> <p>8 QUESTIONS BY MR. BOWER:</p> <p>9 Q. Would that be related to      10 serialization?</p> <p>11 A. It could be.</p> <p>12 Q. I think it is. I'm not trying      13 to trick you or anything. I'm just trying to      14 understand -- unfortunately, I can't show you      15 these documents because they're marked      16 confidential, but I'm just trying to get your      17 understanding of your involvement.</p> <p>18 Anyone else from Walmart      19 included on the NACDS communications?</p> <p>20 MS. FUMERTON: Objection.      21 Form.      22 THE WITNESS: I believe there      23 is some other Walmart associates that      24 are included in that.</p>
<p>1 Q. What year did that start?      2 A. I don't know. Maybe 2012,      3 2013. I don't know.</p> <p>4 Q. And is it your testimony today      5 the only reason you attended the HDMA      6 meetings was for serialization issues?</p> <p>7 A. Yes.</p> <p>8 Q. Did you attend the HDMA      9 distribution management conference?</p> <p>10 A. No.</p> <p>11 MS. FUMERTON: Objection.      12 Form.</p> <p>13 THE WITNESS: No.</p> <p>14 QUESTIONS BY MR. BOWER:</p> <p>15 Q. Did you attend the HDMA      16 distribution manager conference in 2011?</p> <p>17 A. No.</p> <p>18 Q. Would you be surprised if      19 you're on their attendees list for 2011 as      20 attending?</p> <p>21 A. I would be surprised.</p> <p>22 Q. It's your testimony you never      23 attended such a meeting; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. And is -- what does PDFUA stand</p>	<p>1 QUESTIONS BY MR. BOWER:      2 Q. Were you -- and I may have      3 asked this, but I'm going to ask it again.      4 Were you a member of the NACDS      5 supply chain working group?</p> <p>6 A. Yes.</p> <p>7 Q. And what was the purpose of      8 your membership in that group?</p> <p>9 A. For serialization.</p> <p>10 Q. Anything else?</p> <p>11 A. No.</p> <p>12 Q. That group didn't deal with the      13 reclassification of hydrocodone?</p> <p>14 MS. FUMERTON: Objection.      15 Form. Lack of foundation.</p> <p>16 QUESTIONS BY MR. BOWER:</p> <p>17 Q. Is it your testimony as you sit      18 here today that you don't ever recall      19 receiving any communications from NACDS      20 regarding the reclassification of      21 hydrocodone?</p> <p>22 A. That's correct.      23 (Walmart-Sullins Exhibit 24      24 marked for identification.)</p>

Page 382	Page 384
<p>1 QUESTIONS BY MR. BOWER:</p> <p>2 Q. Exhibit 24. Okay. You've been 3 handed what's been marked as Exhibit 24. 4 It's just a one-page e-mail, and it's 5 forwarded to you by Chad Ducote dated 6 August 9, 2017.</p> <p>7 Just take a moment. I just 8 have a few questions on this e-mail.</p> <p>9 A. Okay.</p> <p>10 Q. Do you recall receiving this 11 e-mail from Chad?</p> <p>12 A. I didn't recall. I do not 13 recall.</p> <p>14 Q. Is it a fair statement then 15 that you didn't have the same concerns as him 16 about the algorithm kicking off too many 17 false positives?</p> <p>18 MS. FUMERTON: Objection. 19 Form. Lack of foundation.</p> <p>20 THE WITNESS: Can you repeat 21 your question?</p> <p>22 MR. BOWER: Sure.</p> <p>23 Can you just read back that 24 question, please?</p> <p>25 (Court Reporter read back)</p>	<p>1 MS. FUMERTON: Objection. 2 Form.</p> <p>3 THE WITNESS: It was not in my 4 job responsibilities.</p> <p>5 MR. BOWER: All right. I have 6 nothing further.</p> <p>7 MS. FUMERTON: Okay. Can we go 8 off the record for a second?</p> <p>9 VIDEOGRAPHER: Going off the 10 record at 4:05 p.m. (Off the record at 4:05 p.m.)</p> <p>11 VIDEOGRAPHER: We're back on 12 the record at 4:07 p.m.</p> <p>13 CROSS-EXAMINATION</p> <p>14 QUESTIONS BY MS. FUMERTON: 15 Q. Good afternoon, Ms. Sullins. I 16 just have a couple of questions to follow up 17 on some of the questions that Mr. Bower asked 18 you earlier.</p> <p>19 A. Okay.</p> <p>20 Q. Do you recall when Mr. Bower 21 was asking you questions this morning about 22 the P&amp;L reports that you may have reviewed in 23 some meetings?</p> <p>24 A. Yes.</p>
<p>1 question.)</p> <p>2 THE WITNESS: I wasn't -- I 3 wasn't getting the data, so I can't 4 say that I was or was not.</p> <p>5 QUESTIONS BY MR. BOWER:</p> <p>6 Q. Well, he forwards this e-mail 7 to you, right?</p> <p>8 A. Yes, he sent it to three of us.</p> <p>9 Q. And he says, "It is often my 10 opinion" -- referring to the algorithm, 11 right -- "in kicking off too many alerts that 12 are false positives."</p> <p>13 Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. Okay. So when you received 16 this e-mail, it didn't impact what you were 17 doing, right?</p> <p>18 A. It did not.</p> <p>19 Q. And you never followed up on 20 it?</p> <p>21 A. No.</p> <p>22 Q. Never talked to anyone about 23 the Buzzeo algorithm?</p> <p>24 A. No.</p> <p>25 Q. It didn't concern you at all?</p>	<p>1 Q. And just to orient us, I 2 believe you said that those P&amp;L reports were 3 for each distribution center; is that 4 correct?</p> <p>5 A. That's correct.</p> <p>6 Q. And if you could describe the 7 P&amp;L reports some more. For example, 8 specifically my question is did the P&amp;L 9 reports have line items for specific drugs?</p> <p>10 MR. BOWER: Objection to form.</p> <p>11 THE WITNESS: No, they did not.</p> <p>12 QUESTIONS BY MS. FUMERTON:</p> <p>13 Q. Did they have line items for 14 specific categories of drugs?</p> <p>15 A. No, they did not.</p> <p>16 Q. Was it -- if you can just 17 describe then -- and I don't want to put 18 words in your mouth.</p> <p>19 So was it just a P&amp;L rolled up 20 of all of the products that were being 21 distributed from the distribution center?</p> <p>22 MR. BOWER: Objection. Form.</p> <p>23 THE WITNESS: It was -- yes, it 24 was all items.</p>

<p style="text-align: right;">Page 386</p> <p>1 QUESTIONS BY MS. FUMERTON:</p> <p>2 Q. And so if I want to know what a 3 particular P&amp;L report was for opioids, for 4 example, would I be able to find that out 5 from that report?</p> <p>6 MR. BOWER: Objection to form.</p> <p>7 THE WITNESS: No, you would 8 not.</p> <p>9 QUESTIONS BY MS. FUMERTON:</p> <p>10 Q. I think you also mentioned with 11 respect to the P&amp;L reports that one piece of 12 information on the report was expenses; is 13 that right?</p> <p>14 A. Yes, that's correct.</p> <p>15 Q. Can you please just describe 16 what type of expenses would be reflected 17 there?</p> <p>18 MR. BOWER: Objection to form. 19 If you have the reports, it 20 might be helpful to show her because 21 she testified she doesn't recall 22 what's on there.</p> <p>23 QUESTIONS BY MS. FUMERTON:</p> <p>24 Q. Go ahead and answer the 25 question.</p>	<p style="text-align: right;">Page 388</p> <p>1 QUESTIONS BY MS. FUMERTON:</p> <p>2 Q. And I think you also mentioned 3 that that was an accounting function. And 4 can you explain what you meant by that?</p> <p>5 A. It's all done in the 6 background. They knew that that accounting 7 in the background, it's not anything that 8 is -- that comes directly to the DC.</p> <p>9 Q. So is the pharmacy transferring 10 money to the DC when it places an order or 11 its invoice for a drug?</p> <p>12 MR. BOWER: Objection to form. 13 Foundation.</p> <p>14 THE WITNESS: No, it's not.</p> <p>15 QUESTIONS BY MS. FUMERTON:</p> <p>16 Q. Would it be accurate to 17 describe the rolled-up cost that you're 18 referring to as an internal allocation of all 19 of the product costs from the DC to the 20 pharmacy?</p> <p>21 MR. BOWER: Objection. Form. 22 THE WITNESS: Yes.</p> <p>23 QUESTIONS BY MS. FUMERTON:</p> <p>24 Q. And I asked you to get 25 Exhibits 20 and 19 out in front of you.</p>
<p style="text-align: right;">Page 387</p> <p>1 A. There would be expenses of 2 wages, overtime, utilities, rent, 3 depreciation and some other categories. I 4 don't know now.</p> <p>5 Q. And then I think you also 6 testified -- and again, if I get the record 7 wrong, the record will say what it says -- 8 that there was either a sale amount or a cost 9 of the drug; is that correct?</p> <p>10 On the P&amp;L report, that there 11 were the costs of the drug for -- or the 12 product from the DC to the pharmacy; is that 13 right?</p> <p>14 A. It would be all the costs.</p> <p>15 Q. Okay. And that's what I was 16 trying to get at. I was just trying to 17 understand what cost was there, because I 18 think you might have used the term "sale" 19 before.</p> <p>20 But what you were referring to 21 is the sale from the DC to the pharmacy, 22 correct?</p> <p>23 MR. BOWER: Objection to form.</p> <p>24 THE WITNESS: That's correct.</p>	<p style="text-align: right;">Page 389</p> <p>1 A. Yes.</p> <p>2 Q. Do you see those?</p> <p>3 A. Yes.</p> <p>4 Q. And I just want to make sure 5 that the testimony is clear on -- with 6 respect to these exhibits.</p> <p>7 With respect to Exhibit 19, you 8 were asked a series of questions about the 9 attachment, which is an excerpt of an Excel 10 spreadsheet, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did you pull this spreadsheet?</p> <p>13 A. No, I did not.</p> <p>14 Q. Do you know where this 15 spreadsheet was pulled from?</p> <p>16 MR. BOWER: Objection to form.</p> <p>17 THE WITNESS: I do not.</p> <p>18 QUESTIONS BY MS. FUMERTON:</p> <p>19 Q. And I'm just going to ask the 20 same set of questions with respect to 21 Exhibit 20.</p> <p>22 That also is an e-mail with an 23 attachment with a -- appears to be some sort 24 of spreadsheet, correct?</p> <p>25 A. Yes.</p>

Page 390	Page 392
<p>1 Q. Did you pull the information 2 that is attached to Exhibit 20? 3 A. No, I did not. 4 Q. Do you know where it was pulled 5 from? 6 A. I do not know. 7 MS. FUMERTON: I have no 8 further questions. 9 MR. BOWER: I just have a 10 couple of follow-ups. Do you want to 11 switch back? 12 MS. FUMERTON: Let's go off the 13 record. Your rules. 14 VIDEOGRAPHER: Going off the 15 record at 4:12 p.m. 16 (Off the record at 4:12 p.m.) 17 VIDEOGRAPHER: We're back on 18 the record at 4:13 p.m. 19 REDIRECT EXAMINATION 20 QUESTIONS BY MR. BOWER: 21 Q. I think we're almost done, 22 Ms. Sullins. I just have a couple of 23 follow-up questions regarding what 24 Ms. Fumerton just asked you regarding the P&amp;L 25 statements from the DCs.</p>	<p>1 discussion in connection with the P&amp;L, 2 correct? 3 A. Yes. 4 Q. And then you simply don't know 5 whether it's part of the P&amp;L; isn't that 6 true? 7 A. I do not know. 8 Q. Because we don't have them, 9 right? 10 We don't have them today, 11 right? 12 MS. FUMERTON: Objection. 13 Form. 14 QUESTIONS BY MR. BOWER: 15 Q. Have we seen the P&amp;Ls today? 16 A. We have not. 17 Q. Okay. Without those P&amp;Ls you 18 cannot testify as to all the information on 19 them; is that correct? 20 A. That's correct. 21 MR. BOWER: I have nothing 22 further. 23 MS. FUMERTON: Okay. I 24 literally have like two questions just 25 to follow up on what you said. Are we</p>
<p>1 Okay? 2 A. Yes. 3 Q. Okay. Are you able, as you sit 4 here today, to recall all the information 5 that's on those statements? 6 A. No. 7 Q. Would you need to see those 8 statements in order to testify as to all of 9 the information that's on them? 10 A. Yes. 11 Q. Indeed, earlier today you 12 mentioned, for example, some things that 13 Ms. Fumerton did not suggest: the pick rate, 14 right, or the cost per pick? 15 A. The cost per pick shipped? 16 Q. Yeah. That's on there, right? 17 A. It's not on the P&amp;L. It's -- I 18 don't know if it's on the P&amp;L. 19 Q. You would need to see the P&amp;L 20 in order to answer that question, right? 21 A. I would need to -- I would 22 need -- because I think that that was added 23 afterwards. I don't know if it's part of the 24 P&amp;L. 25 Q. But it was part of your</p>	<p>1 really going to switch? 2 MR. BOWER: Yeah. 3 MS. FUMERTON: Okay. Can we go 4 off the record? 5 VIDEOGRAPHER: Going off the 6 record at 4:15 p.m. 7 (Off the record at 4:15 p.m.) 8 VIDEOGRAPHER: We're back on 9 the record at 4:15 p.m. 10 RECROSS-EXAMINATION 11 QUESTIONS BY MS. FUMERTON: 12 Q. Ms. Sullins, just a couple 13 quick questions. 14 Mr. Bower just asked you about 15 the cost per pick shipped. 16 Do you recall -- 17 A. Yes. 18 Q. -- those questions? 19 Can you please describe what 20 that is? 21 A. It is the total expenses 22 divided by the total sales, and that gets you 23 the cost per pick shipped. 24 Q. And is that calculated on a 25 drug level?</p>

<p>1 A. No.</p> <p>2 Q. So that's, again, calculated</p> <p>3 for all of the expenses at the DC?</p> <p>4 A. Yes.</p> <p>5 Q. Divided by all of the orders</p> <p>6 for all drugs for that DC?</p> <p>7 A. Yes.</p> <p>8 MS. FUMERTON: I have no</p> <p>9 further questions.</p> <p>10 MR. BOWER: I have nothing</p> <p>11 further.</p> <p>12 VIDEOGRAPHER: Going off the</p> <p>13 record at 4:16 p.m.</p> <p>14 This concludes the videotaped</p> <p>15 deposition of Ramona Sullins.</p> <p>16 (Deposition concluded at 4:16 p.m.)</p> <p>17 -----</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 394</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over</p> <p>4 carefully and make any necessary corrections.</p> <p>5 You should state the reason in the</p> <p>6 appropriate space on the errata sheet for any</p> <p>7 corrections that are made.</p> <p>8 After doing so, please sign the</p> <p>9 errata sheet and date it. You are signing</p> <p>10 same subject to the changes you have noted on</p> <p>11 the errata sheet, which will be attached to</p> <p>12 your deposition.</p> <p>13 It is imperative that you return</p> <p>14 the original errata sheet to the depositing</p> <p>15 attorney within thirty (30) days of receipt</p> <p>16 of the deposition transcript by you. If you</p> <p>17 fail to do so, the deposition transcript may</p> <p>18 be deemed to be accurate and may be used in</p> <p>19 court.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 395</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, CARRIE A. CAMPBELL, Registered</p> <p>4 Diplomate Reporter, Certified Realtime</p> <p>5 Reporter and Certified Shorthand Reporter, do</p> <p>6 hereby certify that prior to the commencement</p> <p>7 of the examination, Ramona Sullins was duly</p> <p>8 sworn by me to testify to the truth, the</p> <p>9 whole truth and nothing but the truth.</p> <p>10 I DO FURTHER CERTIFY that the</p> <p>11 foregoing is a verbatim transcript of the</p> <p>12 testimony as taken stenographically by and</p> <p>13 before me at the time, place and on the date</p> <p>14 hereinbefore set forth, to the best of my</p> <p>15 ability.</p> <p>16 I DO FURTHER CERTIFY that I am</p> <p>17 neither a relative nor employee nor attorney</p> <p>18 nor counsel of any of the parties to this</p> <p>19 action, and that I am neither a relative nor</p> <p>20 employee of such attorney or counsel, and</p> <p>21 that I am not financially interested in the</p> <p>22 action.</p> <p>23</p> <p>24</p> <p>25</p> <p>CARRIE A. CAMPBELL, NCRA Registered Diplomate Reporter Certified Realtime Reporter California Certified Shorthand Reporter #13921 Missouri Certified Court Reporter #859 Illinois Certified Shorthand Reporter #084-004229 Texas Certified Shorthand Reporter #9328 Kansas Certified Court Reporter #1715 Notary Public Dated: January 8, 2019</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 397</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3</p> <p>4 I, _____, do</p> <p>5 hereby certify that I have read the foregoing</p> <p>6 pages and that the same is a correct</p> <p>7 transcription of the answers given by me to</p> <p>8 the questions therein propounded, except for</p> <p>9 the corrections or changes in form or</p> <p>10 substance, if any, noted in the attached</p> <p>11 Errata Sheet.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

	Page 398
1	-----
2	<b>ERRATA</b>
3	<b>PAGE LINE CHANGE/REASON</b>
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
13	_____
14	_____
15	_____
16	_____
17	_____
18	_____
19	_____
20	_____
21	_____
22	_____
23	_____
24	_____
25	_____
	Page 399
1	-----
2	<b>LAWYER'S NOTES</b>
3	<b>PAGE LINE</b>
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
13	_____
14	_____
15	_____
16	_____
17	_____
18	_____
19	_____
20	_____
21	_____
22	_____
23	_____
24	_____
25	_____